United Nations S/2012/25

Security Council

Distr.: General
12 January 2012

Original: English

Colombia, India, Pakistan, South Africa and Togo: draft resolution

The Security Council,

Recalling all its previous relevant resolutions and statements of its President which underscore the importance of developing effective partnerships between the United Nations and regional organizations, in particular the African Union, in accordance with the Charter of the United Nations and the relevant statutes of regional and subregional organizations,

Reaffirming its primary responsibility for the maintenance of international peace and security,

Reiterating that cooperation with regional and subregional organizations in matters relating to the maintenance of peace and security and consistent with Chapter VIII of the Charter of the United Nations, can improve collective security,

Recognizing that regional organizations are well positioned to understand the causes of armed conflicts owing to their knowledge of the region which can be a benefit for their efforts to influence the prevention or resolution of these conflicts,

Stressing the utility of developing effective partnerships between the United Nations and regional and subregional organizations, in order to enable early responses to disputes and emerging crises and to strengthen the role of the United Nations in the prevention of conflict,

Recalling its resolutions 1325 (2000), 1820 (2008), 1888 (2009), 1889 (2009), 1894 (2009) and 1960 (2010) and its commitment to their full and effective implementation and reaffirming the important role that women play in mediation, conflict prevention, as well as in the peaceful resolution of conflict and peacebuilding as expressed in its Presidential Statement 2011/20 of 28 October 2011 and also reaffirming the importance of the prevention of and protection from sexual violence,

Reaffirming its resolutions 1379 (2001), 1612 (2006), 1882 (2009) and 1998 (2011) on the protection of children in armed conflicts and encouraging initiatives by regional and subregional organizations and arrangements for the protection of children affected by armed conflict and encouraging continued mainstreaming of child protection into their advocacy, policies and programmes,

Welcoming the increasing contribution being made by the African Union in efforts to settle conflicts on the African Continent and expressing its support for the peace initiatives conducted by the African Union, and through the African

Please recycle

subregional organizations and *stresses*, in accordance with Article 54 of the Charter of the United Nations, the need for regional and subregional organizations at all times to keep the Security Council fully informed of these efforts in a comprehensive and coordinated manner,

Recalling the Constitutive Act of the African Union and its Protocol relating to the establishment of the Peace and Security Council of the African Union and *expressing* its support for the ongoing operationalization of the African Union Peace and Security Architecture,

Acknowledging progress made in the ongoing cooperation between the United Nations and the African Union, and *stressing* the importance of further strengthening cooperation and developing effective partnership with the African Union Peace and Security Council consistent with Chapter VIII of the United Nations Charter to address common collective security challenges in Africa,

Recognizing the importance of strengthening the capacity of regional and subregional organizations in conflict prevention and crisis management, and in post-conflict stabilization,

Further recognizing that one major constraint facing some regional organizations, in particular the African Union, in effectively carrying out the mandate of maintaining regional peace and security is securing predictable, sustainable and flexible resources,

Noting with appreciation the collaboration between the good offices of the Secretary-General including his Special Representatives and the African Union in the area of conflict prevention,

Welcoming the contribution of the United Nations Office to the African Union in strengthening coordination and cooperation between the United Nations and the African Union,

Taking note with appreciation the efforts of the United Nations Secretariat and the African Union Commission in developing common guidelines that outline a framework for mediation in Africa in an effort to make the United Nations-African Union partnership more coherent when undertaking joint mediation efforts,

Welcoming the United Nations support for the African Union in the field of peacekeeping, including by supporting the African Union's efforts to develop policy, guidance and training in particular in the areas of Security Sector Reform, post-conflict reconstruction and the protection of civilians including the problem of sexual violence in armed conflict,

Noting the need for a comprehensive analysis of lessons learned from practical cooperation between the United Nations and the African Union, in particular with regard to the United Nations-African Union Mission in Darfur (UNAMID) as well as the African Union Mission in Somalia (AMISOM), *recognizing* the need to build upon lessons learned from practical cooperation between the United Nations and the African Union and *further recognizing* the benefits of coordination of policy and strategy in this regard by the Security Council and the African Union Peace and Security Council,

Further taking note of the report of the African Union Chairperson entitled The United Nations-African Union Partnership on Peace and Security: Towards

Greater Strategic Political Coherence on the partnership between the United Nations and the African Union on peace and security in Africa,

Welcoming the report of the Secretary-General on United Nations-African Union cooperation in peace and security (S/2011/805),

1. *Expresses* its determination to take effective steps to further enhance the relationship between the United Nations and regional and subregional organizations, in particular the African Union, in accordance with Chapter VIII of the United Nations Charter;

2. *Encourages* the continuing involvement of regional and subregional organizations in the peaceful settlement of disputes, including through conflict prevention, confidence-building and mediation efforts;

3. *Further encourages* regional and subregional organizations to strengthen and increase cooperation among them, including efforts to enhance their respective capacities, in the maintenance of international peace and security;

4. *Reiterates* the importance of establishing a more effective relationship between the Security Council and the African Union Peace and Security Council including in the area of conflict prevention, resolution and management, electoral assistance and regional conflict prevention offices;

5. *Takes note* of the respective strategic visions of the partnership between the African Union and the United Nations as contained in the reports of the Secretary-General of the United Nations (S/2011/805) and the Chairperson of the African Union Commission and *stresses* that common and coordinated efforts undertaken by the Security Council and the African Union Peace and Security Council in matters of peace and security, should be based on their respective authorities, competencies and capacities;

6. *Encourages* the improvement of regular interaction, consultation and coordination, as appropriate between the Security Council and the African Union Peace and Security Council on matters of mutual interest;

7. *Stresses* the importance of a coordinated international response to causes of conflict and *recognizes* the need for the development of effective long-term strategies and *emphasizes* the need for all United Nations organs and agencies to pursue preventive strategies and to take action within their respective areas of competence to assist Member States and regional organizations to eradicate poverty, strengthen development cooperation and assistance and promote respect for human rights and fundamental freedoms;

8. *Reaffirms* the obligation of all Member States to settle disputes and resolve conflicts in accordance with the United Nations Charter and *calls* upon the international community to assist the efforts initiated by the African Union and subregional organizations aimed at the peaceful settlement of disputes and the resolution of conflict in accordance with the Charter of the United Nations;

9. *Calls upon* the Secretary-General to maintain close consultations with the African Union and Regional Economic Communities as well as with international partners on peace and security challenges in Africa, especially in prevention and resolution of conflicts;

10. *Recognizes* the important role of the good offices of the Secretary-General in Africa, and *encourages* the Secretary-General to continue to use mediation as often as possible to help resolve conflicts peacefully, working in coordination and closely with the African Union and subregional organizations in that regard, as appropriate;

11. *Calls upon* the United Nations Office to the African Union to continue its efforts to contribute to strengthening cooperation between the United Nations Secretariat and the Commission of the African Union including in the area of mediation efforts, and *underscores* the importance of expediting the implementation, in close consultation with other international partners, of the 2006 United Nations-African Union Ten-year Capacity-Building Programme for the African Union mainly focusing on peace and security, in particular the operationalization of the African Union Peace and Security Architecture; as an important contribution towards conflict prevention on the African Continent;

12. *Reaffirms* the vital role of women in the prevention and resolution of conflicts, peace negotiations, peacebuilding, peacekeeping, humanitarian response, and post-conflict reconstruction, and *stresses* the need for the United Nations and the African Union to work to ensure that women and gender perspectives are fully integrated into all peace and security efforts undertaken by the two organizations, including by building the necessary capacity;

13. *Urges* the Secretary-General to continue to work to ensure that the United Nations Office to the African Union, the United Nations Economic Commission for Africa, and the United Nations agencies working with the United Nations Regional Coordination Mechanism for Africa are delivering coordinated support to the African Union;

14. *Welcomes* regular interaction between the United Nations Secretariat and the African Union Commission, through the United Nations-African Union joint task force on peace and security, and *encourages* the Task Force to continue to focus on strategic and country-specific issues of the African continent that are of interest to both organizations and requests that the Task Force consider ways to enhance United Nations and African Union cooperation on conflict prevention in Africa and that it provide updates to the Security Council subsequent to its meetings;

15. *Supports* further interaction between the United Nations Secretariat and the African Union Commission to exchange information, and as appropriate coordinate in the preparation of recommendations, including through joint assessments, if appropriate, in order to assist the Security Council and the African Union Peace and Security Council in formulating cohesive positions and strategies;

16. *Further supports* ongoing briefings by Senior United Nations Officials to the African Union Peace and Security Council and that of the African Union to the United Nations as an important contribution in strengthening consultation, information sharing and communication between the two bodies on issues of mutual concern;

17. *Decides* in consultation with the African Union Peace and Security Council to elaborate further ways of strengthening relations between the two Councils including through achieving more effective annual consultative meetings, the holding of timely consultations, and collaborative field missions of the two

Councils, as appropriate, to formulate cohesive positions and strategies on a case-by-case basis in dealing with conflict situations in Africa;

18. *Further decides* to follow up on the Communiqués of the annual consultative meetings of the two Councils including through its Ad-hoc Working Group on Conflict Prevention and Resolution in Africa;

19. *Stresses* the need to enhance the predictability, sustainability and flexibility of financing regional organizations when they undertake peacekeeping under a United Nations mandate;

20. *Reiterates* that regional organizations have the responsibility to secure human, financial, logistical and other resources for their organizations, including through contributions by their members and support from partners and *welcomes* the valuable financial support provided by the African Union's partners towards its peacekeeping operations including through the African Peace Facility, and *calls* upon all partners to continue their support;

21. *Requests* the Secretary-General in consultation with the African Union to conduct a comprehensive analysis of lessons learned from practical cooperation between the United Nations and the African Union, in particular with regard to the United Nations-African Union Mission in Darfur (UNAMID) as well as the African Union Mission in Somalia (AMISOM) in order to improve coordination when appropriate;

22. *Further requests* the Secretary-General to include, as appropriate, in his regular reporting to the Security Council, assessments of progress on the cooperation between the United Nations and relevant regional and subregional organizations;

23. *Decides* to remain seized of the matter.

United Nations S/2012/26

Security Council

Distr.: General
11 January 2012

Original: English

Letter dated 11 January 2012 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the President of the Security Council

I have the honour to write to you in reference to document S/2012/10 dated 2 January 2012 concerning matters of which the Security Council is seized and the stage reached in their consideration. In this connection, on instructions from my Government, I have the honour to inform you that the Syrian Arab Republic requests the retention of the following items listed in paragraph 3 of the above-mentioned document:

57. The Palestine question.

66. Arrangements for the proposed Peace Conference on the Middle East.

67. The Middle East problem, including the Palestinian question.

68. The situation in the occupied Arab territories.

69. The question of the exercise by the Palestinian people of its inalienable rights.

72. Letter dated 4 February 1986 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the President of the Security Council (S/17787).

73. Letter dated 15 April 1986 from the Chargé d'affaires a.i. of the Permanent Mission of the Syrian Arab Republic to the United Nations addressed to the President of the Security Council (S/17993).

81. Letter dated 5 October 2003 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the President of the Security Council (S/2003/939).

I take this opportunity to reaffirm the position of the Syrian Arab Republic set out in the letter dated 9 February 1998 from the Permanent Representative of the Syrian Arab Republic addressed to the President of the Security Council (S/1998/111).

I should be grateful if you would have the present letter circulated as a document of the Security Council.

(*Signed*) Bashar **Ja'afari**
Ambassador
Permanent Representative

12-20506 (E) 130112

Please recycle

United Nations A/66/656–S/2012/27

General Assembly
Security Council

Distr.: General
12 January 2012

Original: English

General Assembly
Sixty-sixth session
Agenda item 109
Measures to eliminate international terrorism

Security Council
Sixty-seventh year

Identical letters dated 11 January 2012 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General, the President of the General Assembly and the President of the Security Council

On 11 January 2012, another prominent Iranian scientist, Mostafa Ahmadi Roshan, fell victim to a blind terrorist attack in Tehran. The victim was a Sharif University of Technology graduate in chemical engineering and served as deputy director of Iran's Natanz nuclear facility. In this incident two other innocent people were seriously injured, one of whom died later at the hospital as a result of his wounds.

As you are aware, this is not the first time that the Iranian scientists have come under malicious terrorist attacks. Previously, I informed you in a letter (A/65/622-S/2010/634) about the assassination attempts against two prominent Iranian physicists: Majid Shahriari and Fereydoun Abbasi Davani (currently heading Iran's Atomic Energy Organization) on 29 November 2010 as a result of which Majid Shahriari was martyred and Fereydoun Abbasi Davani and his wife were seriously injured. In the same series of terrorist attacks another Iranian scientist, Professor Massoud Ali Mohammadi, was martyred in front of his house on 12 January 2010.

Based on the existing evidence collected by the relevant Iranian security authorities, similar to previous incidents, perpetrators used the same terrorist method in assassinating Iranian nuclear scientists, i.e. attaching a sticky magnetic bomb to the car carrying the scientists and detonating it. Furthermore, there is firm evidence that certain foreign quarters are behind such assassinations. As has been claimed by these circles, such terrorist acts have been carried out as part of the efforts to disrupt Iran's peaceful nuclear programme, under the false assumption that diplomacy alone would not be enough for that purpose. These quarters have spared no efforts in depriving the Islamic Republic of Iran of its inalienable right to peaceful nuclear energy and have called for conducting covert operations ranging from assassinating Iranian nuclear scientists to launching a military strike on Iran, as well as sabotaging Iran's nuclear programme.

Please recycle

Now, the question remains whether resorting to all unlawful and coercive measures, even terrorist acts, to prevent developing nations from exercising their right to development, including peaceful use of nuclear energy, is permissible.

While reiterating the peaceful nature of Iranian nuclear activities, I would like to emphasize, once again, that the Islamic Republic of Iran would not compromise over its inalienable right to use nuclear energy for peaceful purposes, and any kind of political and economic pressures or terrorist attacks targeting Iranian nuclear scientists could not prevent our nation from exercising this right.

The Islamic Republic of Iran expresses its deep concern over, and lodges its strong condemnation of, such cruel, inhumane and criminal acts of terrorism against the Iranian scientists. My country has suffered the most from acts of terrorism in terms of human losses and material damages in the past decades. It is highly expected from the Secretary-General of the United Nations and the President of the Security Council of the United Nations, as well as all other relevant organs and bodies, to condemn, in the strongest terms, these inhumane terrorist acts and to take effective steps towards elimination of terrorism in all its forms and manifestations.

It would be highly appreciated if the present letter could be circulated as a document of the General Assembly, under agenda item 109, and of the Security Council.

(*Signed*) Mohammad **Khazaee**
Ambassador
Permanent Representative

United Nations S/2012/28

Security Council

Distr.: General
11 January 2012

Original: English

Letter dated 9 January 2012 from the Secretary-General addressed to the President of the Security Council

I refer to my letter dated 7 December 2010 (S/2010/637) informing the President of the Security Council of the progress made by the Cameroon-Nigeria Mixed Commission, and her reply dated 10 December 2010 (S/2010/638), in which she took note of my intention to continue the activities of the United Nations support team to the Mixed Commission with funding from the regular budget. In the same spirit, by the present letter, I would like to inform you of the latest achievements and activities undertaken by the Mixed Commission.

As you know, the United Nations established the Mixed Commission to facilitate the implementation of the 10 October 2002 ruling of the International Court of Justice on the Cameroon-Nigeria boundary and territorial disputes. Through my good offices, and with the support of the United Nations Secretariat, I have continued to facilitate the implementation of the ruling of the International Court of Justice.

The mandate of the Mixed Commission includes supporting the demarcation of the land boundary and delineation of the maritime boundary, facilitating the withdrawal and transfer of authority as appropriate, addressing the situation of affected populations and making recommendations on confidence-building measures. Achievements to date in the implementation of the ruling of the Court include the withdrawal and transfer of authority in the Lake Chad area (December 2003), along the land boundary (July 2004) and in the Bakassi Peninsula (initial withdrawal and transfer of authority in June 2006 and completion of the process in August 2008), as well as delineation of the maritime boundary (May 2007).

In the course of 2011, the Mixed Commission continued to facilitate the process peacefully, including by helping to maintain open dialogue and communication between the two countries. Following are some of the activities for which the United Nations support team to the Mixed Commission has provided substantive, technical and logistical support.

To date, out of the estimated 2,000 km, more than 1,700 km of the land boundary between the two countries have been demarcated, including 99.4 km of inaccessible areas in the Alantika Mountains through satellite imagery. In November 2011, the United Nations assisted an independent expert team in determining the boundary in the Mount Tosso area, which will be examined during the twenty-ninth session of the Mixed Commission, tentatively scheduled to take place in Yaoundé, on 1 and 2 March 2012.

Please recycle

During the twenty-seventh session of the Mixed Commission, which took place in Yaoundé on 10 and 11 March 2011, the Mixed Commission concluded that the Working Group on the Maritime Boundary had fully accomplished its mandate. The Mixed Commission approved all of the recommendations of the Working Group, including the provisions for cross-border cooperation on hydrocarbon deposits straddling the maritime boundary.

During the twenty-eighth session of the Mixed Commission, which took place in Abuja, on 23 July 2011, the Mixed Commission reiterated its determination to complete the cartographic demarcation work by the end of 2012 and stressed the need for comprehensive planning of the completion of the remaining tasks, including the assessment of all boundary lines, the extraction of coordinates and the drawing of the final maps. For this purpose, it agreed that the demarcation work will formally be concluded with a boundary statement, to which a series of maps, elevated to the status of "legally-agreed maps", depicting the boundary line, will be appended. The statement, which will include an index of geographic and boundary coordinates resulting from the field assessment, will be the "binding source" for the demarcation of the Cameroon-Nigeria boundary.

Reports by United Nations civilian observers monitoring the situation along the land boundary and in the Bakassi Peninsula have concluded that the prevailing situation continues to be peaceful.

Meanwhile, the follow-up committee established by the 12 June 2006 Greentree Agreement continued its work following the final transfer of authority in the "zone" in the Bakassi Peninsula from Nigeria to Cameroon on 14 August 2008.

In 2011, three meetings of the follow-up committee were preceded by observer visits in the above-mentioned "zone". The Committee noted considerable improvement of the situation in the peninsula, as evidenced by the significant increase of the population and the good relations between the community and authorities. The United Nations is encouraging the parties to conclude a framework agreement, currently under discussion, to enhance security cooperation between the parties in a common effort to combat the growing threat of piracy and terrorism in the subregion.

Throughout 2011, the Mixed Commission continued to support the formulation of confidence-building measures for the welfare of affected populations and to promote initiatives aimed at enhancing trust between the two Governments and their peoples.

The United Nations country team in Cameroon, along with representatives of the Government of Cameroon, have identified four new confidence-building projects directly aimed at supporting border communities affected by the demarcation process. A similar needs assessment on the Nigerian side of the boundary line is scheduled to take place form 5 to 13 December 2012.

Completion of the bulk of the demarcation work will depend on the ability of the parties to reach agreement on the remaining areas of disagreement in a timely manner. Cameroon and Nigeria have agreed in particular that pillar emplacement work will continue beyond 2012.

After 2012, the following activities will conclude the work of the Mixed Commission:

(a) In line with the June 2006 Greentree Agreement and through the follow-up committee, monitoring the situation in the "zone" of the Bakassi Peninsula for the remainder of the five-year transitional period (August 2008-August 2013), during which special protection shall be granted to Nigerian residents;

(b) Facilitating the boundary pillar emplacement, financed by the trust fund, and promoting the replenishment of the trust fund through voluntary contributions;

(c) Implementing the exit strategy by handing over the activities of the Mixed Commission to the Joint Bilateral Commission and other subregional structures.

I would like to recall that, until 2003, the Mixed Commission was funded entirely from extrabudgetary funds. During the period from 2004 to 2011, the activities of the Mixed Commission were funded through the United Nations regular budget. The Governments of Austria, Brazil, Canada, Italy, Norway, Pakistan, Sweden and Uruguay have provided in kind contributions for the substantive and technical work of the Commission (military and legal experts), in addition to the logistical support provided by the Governments of Cameroon and Nigeria, and the voluntary contributions of both countries, as well as those of Canada, the United Kingdom of Great Britain and Northern Ireland and the European Union, to the trust fund for the demarcation activities.

Given the cost-effectiveness of the mission and the important tasks remaining at this juncture to help advance the peaceful implementation of the ruling of the International Court of Justice, it is my intention to ask for resources from the regular budget for the Mixed Commission for the period from 1 January to 31 December 2012.

I should be grateful if you would bring the present letter to the attention of the members of the Security Council.

(*Signed*) **BAN** Ki-moon

United Nations S/2012/29

Security Council

Distr.: General
11 January 2012

Original: English

Letter dated 11 January 2012 from the President of the Security Council addressed to the Secretary-General

I have the honour to inform you that your letter dated 9 January 2012 (S/2012/28), concerning your intention to continue the activities of the United Nations support team to the Cameroon-Nigeria Mixed Commission, with funding from the regular budget, has been brought to the attention of the members of the Security Council. They take note of the information contained in your letter and the intention expressed therein.

(*Signed*) Baso **Sangqu**
President of the Security Council

12-20524 (E) 120112

Please recycle

United Nations A/66/655–S/2012/30

General Assembly
Security Council

Distr.: General
12 January 2012

Original: English

General Assembly
Sixty-sixth session
Agenda item 43
Question of Cyprus

Security Council
Sixty-seventh year

Letter dated 9 January 2012 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a letter dated 6 January 2012 (see annex), addressed to you by Mr. Hilmi Akil, Representative of the Turkish Republic of Northern Cyprus.

I would be grateful if the text of the present letter could be circulated as a document of the General Assembly under agenda item 43, and of the Security Council.

(*Signed*) Ertuğrul **Apakan**
Ambassador
Permanent Representative

12-20586 (E) 160112

Please recycle

Annex to the letter dated 9 January 2012 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

Upon instructions from my Government, I have the honour to refer to the letter dated 5 December 2011, addressed to you by the Greek Cypriot representative and circulated as a document of the General Assembly and of the Security Council (A/66/585-S/2011/755), which yet again contains well-known allegations of violations of "international air traffic regulations and the national airspace of the Republic of Cyprus", and to bring to your kind attention the following:

In response to such false allegations, I wish, once again, to reiterate that flights within the sovereign airspace of the Turkish Republic of Northern Cyprus take place with the full knowledge and consent of the appropriate authorities of the State, over which the Greek Cypriot administration in South Cyprus has no jurisdiction or right of say whatsoever. It must be stated that claims of so-called violations of air traffic regulations are invalid, as the civil aviation authority of the Turkish Republic of Northern Cyprus is the only competent authority to provide air traffic and aeronautical information services.

As noted in our previous letters, such assertions are based on the false and illicit claim that the sovereignty of the Greek Cypriot administration extends over the whole island, including the territory of the Turkish Republic of Northern Cyprus. This pretentious contention by the Greek Cypriot side ignores the present realities on the island of Cyprus, namely, the existence of two independent States, each exercising sovereignty and jurisdiction within its respective territory.

Attempts by the Greek Cypriot side, through often-repeated false claims, to confer legitimacy upon an illegal administration will be futile since the Turkish Cypriot people will never give in to their unjust demands. What would indeed be conducive to a better atmosphere on the island would be for the Greek Cypriot side to stop arrogating for itself the rights and responsibilities it does not legally have, and to cease all hostilities towards the Turkish Cypriot people.

Furthermore, the Greek Cypriot administration should be reminded that its counterpart is, and has always been, the Turkish Cypriot side, not Turkey, and that its persistent denial of Turkish Cypriot rights in the North of the island does not bode well for the prospects of a settlement of the Cyprus conflict in line with the established United Nations parameters, namely a partnership based on a bizonal, bicommunal federation with the political equality of the two constituent States.

It is unfortunate that the Greek Cypriot side maintains its hostile stance against Turkey and the Turkish Cypriots and uses every available outlet to repeat those fabricated accusations, which further escalate the tensions and undermine the spirit of trust and partnership between the two sides, especially at a time when the United Nations-led negotiations are reaching a decisive phase in finding a comprehensive settlement on the island. If the Greek Cypriot side is ready and truly committed to a fair settlement, then it should stop using negative rhetoric and dragging its feet at the negotiation table and start reciprocating the constructive proposals and positive attitude of the Turkish Cypriot side to enable the two parties to utilize the much valued involvement of the Secretary-General in moving to a high-level international meeting and successfully concluding the decades-old search for a new partnership on the island.

I would like to put on record once again that the Turkish Cypriot side is ready and doing its best to achieve a settlement in the form of a new partnership which will be in line with the established United Nations parameters and body of work.

I should be grateful if the text of the present letter could be circulated as a document of the General Assembly, under agenda item 43, and of the Security Council.

(*Signed*) Hilmi **Akil**
Representative
Turkish Republic of Northern Cyprus

United Nations S/2012/31

Security Council

Distr.: General
12 January 2012
English
Original: Arabic

Letter dated 9 January 2012 from the Permanent Representative of the United Arab Emirates to the United Nations addressed to the Secretary-General

I have the honour to request that the item entitled "Letter dated 3 December 1971 from the Permanent Representatives of Algeria, Iraq, the Libyan Arab Republic and the People's Democratic Republic of Yemen to the United Nations addressed to the President of the Security Council (S/10409)" relating to the question of the occupation by the Islamic Republic of Iran of the Greater Tunb, the Lesser Tunb and Abu Musa, three islands belonging to the United Arab Emirates, be retained on the list of items of which the Security Council is seized for the year 2012 and until such time as the dispute is resolved by peaceful means through direct negotiations or through the International Court of Justice, thereby ensuring a just, comprehensive and lasting settlement of the issue and achieving peace, security and regional and international stability.

I should be grateful if you would have the present letter circulated as a document of the Security Council.

(*Signed*) Ahmed Abdulrahman **Al-Jarman**
Ambassador
Permanent Representative

12-20609 (E) 130112 160112

Please recycle

United Nations S/2012/32

Security Council

Distr.: General
13 January 2012

Original: English

Letter dated 12 January 2012 from the Chair of the Security Council Committee established pursuant to resolution 1970 (2011) concerning Libya addressed to the President of the Security Council

I have the honour to transmit herewith the report of the Security Council Committee established pursuant to resolution 1970 (2011) concerning Libya, which covers the Committee's activities during the period from 26 February to 31 December 2011. The report is submitted in accordance with the note by the President of the Security Council of 29 March 1995 (S/1995/234).

(*Signed*) José Filipe **Moraes Cabral**
Chair

12-20665 (E) 200112

Please recycle

Report of the Security Council Committee established pursuant to resolution 1970 (2011) concerning Libya

I. Introduction

1. The present report of the Security Council Committee established pursuant to resolution 1970 (2011) concerning Libya covers the period from 26 February to 31 December 2011.

2. During the reporting period, the Bureau consisted of José Filipe Moraes Cabral (Portugal) as Chair, with the delegation of India providing the Vice-Chair. In 2011, the Committee held one formal meeting and six informal consultations. The web page of the Committee is available from www.un.org/sc/committees/1970.

II. Background information

A. Measures

3. By its resolution 1970 (2011), the Security Council imposed certain measures relating to Libya. These consisted of an arms embargo (covering arms and related materiel to and from Libya, as well as the provision of armed mercenary personnel to Libya), provisions relating to the inspection of cargo in the context of the enforcement of the arms embargo and a travel ban and asset freeze on designated individuals and/or entities. Exemptions to the measures were also included. Resolution 1970 (2011) contained a list of 16 individuals subject to the travel ban, of which 6 were also subject to the asset freeze. The Committee, which consists of all the members of the Security Council, was established to undertake the tasks set out in paragraph 24 of the resolution.

4. By its resolution 1973 (2011), the Security Council imposed additional measures relating to Libya, including the authorization to protect civilians and civilian populated areas under threat of attack in Libya, a no-fly zone in the airspace of Libya, a ban on flights of Libyan aircraft, with exemptions, and a ban on flights of any aircraft, with exemptions, if the States concerned had reasonable grounds to believe that the aircraft contained items the supply of which was prohibited under the arms embargo. The provisions relating to the inspection of cargo, in the context of enforcement of the arms embargo, were strengthened to authorize the use of all measures commensurate to the specific circumstances to carry out such inspections. The scope of the asset freeze was also expanded to include the exercise of vigilance when doing business with Libyan entities, if States had information that provided reasonable grounds to believe that such business could contribute to violence and use of force against civilians. Two additional individuals subject to the travel ban and five entities subject to the asset freeze were listed in the annexes to resolution 1973 (2011). Of the 16 individuals who were previously subject to the travel ban, only 7 were listed as being also subject to the asset freeze.

5. On 24 June 2011, the Committee listed two additional individuals subject to the travel ban and asset freeze and one additional entity subject to the asset freeze.

6. By its resolution 2009 (2011), the Council introduced additional exceptions to the arms embargo and decided that two previously listed entities should no longer be

subject to the asset freeze and that the four remaining listed entities should be subject to a partially relaxed asset freeze. The Council also decided to lift the ban on flights of Libyan aircraft.

7. By its resolution 2016 (2011), the Council terminated the authorization related to the protection of civilians and the no-fly zone.

8. On 16 December 2011, pursuant to a request received from the relevant Libyan authorities, the Committee removed the names of two entities from its list of individuals and entities subject to the travel ban and/or asset freeze. By the end of the reporting period, therefore, 5 individuals were subject to the travel ban, 15 individuals were subject to both the travel ban and the asset freeze and 2 entities were subject to a partial asset freeze.

B. Designation criteria

9. In its resolution 1970 (2011), the Council decided that the travel ban and asset freeze should apply to the individuals and entities designated by the Committee (a) involved in or complicit in ordering, controlling or otherwise directing, the commission of serious human rights abuses against persons in Libya, including by being involved in or complicit in planning, commanding, ordering or conducting attacks, in violation of international law, including aerial bombardments, on civilian populations and facilities, or (b) acting for or on behalf of or at the direction of individuals or entities identified in subparagraph (a).

10. In its resolution 1973 (2011), the Council decided that the asset freeze should apply to all funds, other financial assets and economic resources of the Libyan authorities, as designated by the Committee, or by individuals or entities acting on their behalf or at their direction, or by entities owned or controlled by them, as designated by the Committee. In the same resolution, the Council decided that the travel ban and asset freeze should apply also to individuals and entities determined by the Council or the Committee to have violated the provisions of resolution 1970 (2011), particularly the arms embargo measure, or to have assisted others in doing so.

C. Mandate of the Committee

11. Pursuant to paragraph 24 of resolution 1970 (2011), the Committee was initially entrusted with undertaking the following tasks: (a) to monitor implementation of the arms embargo, travel ban and asset freeze; (b) to designate individuals subject to the travel ban and to consider requests for exemptions; (c) to designate individuals subject to the asset freeze and to consider requests for exemptions; (d) to establish such guidelines as may be necessary to facilitate the implementation of the measures set out in the resolution; (e) to report within 30 days to the Security Council on its work for the first report and thereafter to report as deemed necessary by the Committee; (f) to encourage a dialogue between the Committee and interested Member States, in particular those in the region, including by inviting representatives of such States to meet with the Committee to discuss implementation of the measures; (g) to seek from all States whatever information it may consider useful regarding the actions taken by them to implement effectively the measures set out in the resolution; and (h) to examine and

take appropriate action on information regarding alleged violations or non-compliance with the measures contained in the resolution.

12. By its resolution 1973 (2011), the Council broadened the scope of the mandate of the Committee to include the measures decided upon in that resolution. The Council directed the Committee to designate Libyan authorities, or individuals or entities acting on their behalf or at their direction, or entities owned or controlled by them, as subject to the asset freeze, within 30 days of the adoption of the resolution and as appropriate thereafter.

13. In carrying out its mandate, the Committee is assisted by a Panel of Experts created by the Secretary-General pursuant to resolution 1973 (2011), in consultation with the Committee, for an initial period of one year.[1] The tasks of the Panel, which works under the direction of the Committee, include the following: (a) to gather, examine and analyse information from States, relevant United Nations bodies, regional organizations and other interested parties regarding the implementation of the measures decided upon in resolutions 1970 (2011) and 1973 (2011), in particular incidents of non-compliance; (b) to make recommendations on actions that the Council, or the Committee or the State, may consider to improve implementation of the relevant measures; (c) to provide to the Council an interim report on its work no later than 90 days after the Panel's appointment (by 10 August 2011), and a final report to the Council no later than 30 days prior to the termination of its mandate with its findings and recommendations (by 15 February 2012).

14. By its resolution 2017 (2011), the Council requested the Committee, with assistance from its Panel of Experts, in cooperation with the Executive Directorate of the Security Council Committee established pursuant to resolution 1373 (2001), known as the Counter-Terrorism Committee, working with other relevant United Nations bodies, including the International Civil Aviation Organization, and in consultation with international and regional organizations and entities, to assess the threats and challenges, in particular related to terrorism, posed by the proliferation of all arms and related materiel of all types, in particular man-portable surface-to-air missiles, from Libya in the region. It also requested the Committee to submit a report to it on proposals to counter the threat posed by terrorism and to prevent the proliferation of arms and related materiel, including, measures to secure such arms and related materiel, ensure that stockpiles are managed safely and securely, strengthen border control and enhance transport security.

15. Subsequently, in its resolution 2022 (2011), the Council decided that the mandate of the United Nations Support Mission in Libya (UNSMIL) should include the tasks of assisting and supporting, in coordination and consultation with the Transitional Government of Libya, Libyan national efforts to address the threats posed by the proliferation of all arms and related materiel of all types, in particular man-portable surface-to-air missiles, taking into account, among other things, the report mentioned in paragraph 5 of resolution 2017 (2011).

[1] See S/2011/293, S/2011/313 and S/2011/377 for the letters from the Secretary-General on the appointment of the members of the Panel of Experts.

III. Summary of the activities of the Committee

A. Provisional guidelines of the Committee

16. At its meeting on 25 March 2011, the Committee adopted provisional guidelines for the conduct of its work. The guidelines were subsequently revised on 25 October 2011. Among other things, the guidelines set out the procedures for receiving and processing notifications and requests for exemptions concerning the arms embargo, travel ban and asset freeze, as well as for updating the Committee's list of individuals and entities subject to the travel ban and/or asset freeze. The provisional guidelines are available from the Committee's web page.

B. Consolidated list of individuals and entities

17. Also at its meeting on 25 March 2011, the Committee approved an update to an entry in its consolidated list of individuals and entities subject to the travel ban and/or asset freeze. The list was comprised of the annexes to resolutions 1970 (2011) and 1973 (2011).

18. On 24 June 2011, the Committee added the names of two individuals and one entity to its list.

19. On 3 October 2011, following the adoption by the Security Council of resolution 2009 (2011), by which, effective 16 September, the Council lifted the asset freeze on two of the previously listed entities and partially relaxed it in connection with the four entities remaining on the list, the Committee announced that the updated list had been made available on its web page.

20. On 16 December 2011, pursuant to a request received from the relevant Libyan authorities, the Committee deleted the names of two entities from its list. The updated list is available on the web page of the Committee.

C. Implementation reports

21. In paragraph 25 of resolution 1970 (2011), the Security Council called upon all Member States to report to the Committee within 120 days of the adoption of the resolution (that is, by 26 June 2011) on the steps they had taken with a view to implementing effectively paragraphs 9, 10, 15 and 17 of the same resolution, which are related to the arms embargo, travel ban and asset freeze. At its meeting on 25 March 2011, the Committee approved the text of a note verbale from its Chair addressed to all Member States drawing attention to paragraph 25 of the resolution. A reminder was approved for dissemination on 21 June 2011.

22. To date, the Committee has received reports from 54 Member States (see annex). Unless a State requests that its report be kept confidential, these reports are issued as United Nations documents and posted on the web page of the Committee.

D. Notifications and requests for exemptions

1. Arms embargo

23. In subparagraph 9 (a) of resolution 1970 (2011), the Council provides an exemption to the arms embargo for supplies to Libya of non-lethal military equipment intended solely for humanitarian or protective use and related technical assistance or training, as approved in advance by the Committee. During the reporting period, the Committee approved eight requests invoking subparagraph 9 (a) and one request that invoked paragraph 9 in general. Moreover, no objection was raised with regard to the shipment to Libya of certain items, the request having been submitted without reference to any paragraph of the relevant resolutions.

24. Subparagraph 9 (c) of resolution 1970 (2011) provides an exemption for other sales or supply of arms and related materiel, or provision of assistance or personnel, to Libya, as approved in advance by the Committee. The Committee approved one request invoking subparagraph 9 (c). The Committee did not object, on two occasions, to the transfer to Libya of certain items and materials, both requests also having referred to subparagraph 9 (c).

25. Subparagraph 13 (a) of resolution 2009 (2011) provides an exemption to the arms embargo for supplies to Libya of arms and related materiel of all types, including technical assistance, training, financial and other assistance, intended solely for security or disarmament assistance to the Libyan authorities and notified to the Committee in advance and in the absence of a negative decision by the Committee within five working days of such a notification. Four notifications invoking subparagraph 13 (a) and one notification invoking paragraph 13 in general were received. No negative decision was taken by the Committee in any of the cases.

2. Asset freeze

26. Subparagraph 19 (a) of resolution 1970 (2011) provides an exemption to the asset freeze for basic expenses, after notification by the relevant State to the Committee of the intention to authorize, where appropriate, access to such funds, other financial assets or economic resources and in the absence of a negative decision by the Committee within five working days of such notification. During the period under review, the Committee received 36 notifications invoking this subparagraph. No negative decision was taken by the Committee in any of the cases, although in two cases the Committee indicated that it would revert to the Member State in question. The processing of one additional notification received by the Committee invoking subparagraph 19 (a) was superseded by the delisting by the Committee of the entity to which the funds belonged.

27. Subparagraph 19 (b) provides an exemption to the asset freeze for extraordinary expenses, provided that such determination has been notified by the relevant State or Member States to the Committee and has been approved by the Committee. The Committee received 48 exemption requests invoking this subparagraph, of which 47 were approved. Most of the requests fell under the category of humanitarian assistance. The processing of one additional exemption request received by the Committee invoking subparagraph 19 (b) was superseded by the delisting by the Committee of the entity to which the funds belonged.

28. Subparagraph 19 (c) provides an exemption to the asset freeze to satisfy a judicial, administrative or arbitral lien or judgement, provided that the lien or judgement was entered into prior to the date of the relevant resolution, is not for the benefit of a listed person or entity, and has been notified by the relevant State or Member States to the Committee. The Committee received two such notifications.

29. Paragraph 21 of resolution 1970 (2011) provides an exemption to the asset freeze for the making of payments by a listed individual or entity, due under a contract entered into prior to the listing of such a person or entity, provided that the relevant States have determined that the payment is not directly or indirectly received by a listed person or entity, and after notification by the relevant States to the Committee of the intention to make or receive such payments or to authorize, where appropriate, the unfreezing of funds, other financial assets or economic resources for this purpose, 10 working days prior to such authorization. The Committee received 44 notifications invoking paragraph 21 of resolution 1970 (2011).

30. Paragraph 16 of resolution 2009 (2011) provides an exemption to the asset freeze in relation to the four entities that were listed at the time, for the following purposes: (a) humanitarian needs; (b) fuel, electricity and water for strictly civilian uses; (c) resuming Libyan production and sale of hydrocarbons; (d) establishing, operating or strengthening institutions of civilian government and civilian public infrastructure; or (e) facilitating the resumption of banking sector operations, including to support or facilitate international trade with Libya.

31. The exemption applies provided that a Member State has given notice to the Committee and in the absence of a negative decision by the Committee within five working days of such a notification; a Member State has notified the Committee that the funds shall not be made available to or for the benefit of listed individuals; the Member State has consulted in advance with the Libyan authorities about the use of such funds; and the Member State has shared with the Libyan authorities the notification submitted pursuant to the paragraph and the Libyan authorities have not objected within five working days to the release of such funds. During the reporting period, the Committee received 15 such notifications. The processing of two additional notifications was superseded by the delisting by the Committee of the entity to which the funds belonged.

32. The above notifications and exemption requests amount to at least $18 billion that were unfrozen through the Committee.

3. Ban on flights of Libyan aircraft

33. Paragraph 17 of resolution 1973 (2011) provided an exemption to the ban then in force on flights of Libyan aircraft based on advance approval by the Committee. The Committee received and approved one such exemption.

E. Inspection reports

34. Paragraph 14 of resolution 1973 (2011) requests Member States that are taking action under paragraph 13 of the same resolution (concerning the inspection of cargo) on the high seas to coordinate closely with each other and the Secretary-General and further requests the States concerned to inform the Secretary-General

and the Committee immediately of measures taken in the exercise of the authority conferred in paragraph 13. Moreover, paragraph 15 of resolution 1973 (2011) requires any Member State, whether acting nationally or through regional organizations or arrangements, when it undertakes an inspection pursuant to paragraph 13 of the resolution, to submit promptly an initial written report to the Committee containing, in particular, explanation of the grounds for the inspection, the results of such inspection and whether or not cooperation was provided, and, if prohibited items for transfer are found, further requires such Member States to submit to the Committee, at a later stage, a subsequent written report containing relevant details on the inspection, seizure, disposal and relevant details of the transfer, including a description of the items, their origin and intended destination, if this information is not in the initial report.

35. During the period under review, the Committee received 23 reports of inspections of cargo that were undertaken, 22 from the North Atlantic Treaty Organization and 1 from a Member State.

F. Queries and requests for guidance: other communications

36. The Committee responded to at least 16 queries or requests for guidance submitted by Member States and bodies associated with the United Nations, the majority of which related to the scope and application of the asset freeze measure.

37. While the no-fly zone was in effect, the Committee was also copied on some communications concerning flights into Libya, either to provide humanitarian assistance or to fly in foreign Government officials for discussions.

G. Briefings and discussions in the Committee

38. In informal consultations on 25 March 2011, which were immediately followed by a formal meeting, the members of the Committee discussed and agreed to adopt several proposals that served to initiate the work of the Committee.

39. In informal consultations on 6 June 2011, consistent with Security Council resolution 1699 (2006), the Committee heard a briefing by the International Criminal Police Organization (INTERPOL) about the value to the sanctions committees of the Council of the INTERPOL notice system.

40. In informal consultations on 7 July 2011, which were convened at the request of a member of the Committee in response to the letter dated 30 June 2011 from the Permanent Representative of France to the United Nations addressed to the Secretary-General (S/2011/402), the members of the Committee discussed the scope and application of the arms embargo in the light of paragraph 4 of resolution 1973 (2011), in which the Council authorized Member States to take all necessary measures, notwithstanding paragraph 9 of resolution 1970 (2011), to protect civilians and civilian populated areas under threat of attack in the Libyan Arab Jamahiriya.

41. In informal consultations on 18 July 2011, the Committee heard a briefing by a representative of the Office for the Coordination of Humanitarian Affairs of the Secretariat on the potential impact of sanctions on the civilian population in Libya.

42. In informal consultations on 14 September and 12 December 2011, the Committee heard presentations by the Panel of Experts on its interim and progress reports. On both occasions, questions and comments were raised on the content of those reports and cooperation between the Panel and UNSMIL was emphasized.

43. Also in informal consultations on 12 December, the Committee heard briefings by the Panel of Experts, the Executive Directorate of the Counter-Terrorism Committee, the International Civil Aviation Organization and UNSMIL (through videoconference) on the implementation of paragraph 5 of resolution 2017 (2011), which relates to threats posed by the proliferation of arms from Libya in the region.

H. Consideration of reports and input submitted by the Panel of Experts

44. To date, the Panel of Experts established pursuant to resolution 1973 (2011) has submitted an interim report dated 10 August and a progress report dated 8 September to the Committee. The final report of the Panel is due no later than 15 February 2012. In its interim report, the Panel included 11 recommendations, of which 6 related to the arms embargo, 4 related to the asset freeze and 1 related to a procedural matter concerning communication with the Committee. In its progress report, the Panel included one recommendation relating to the asset freeze.

45. In an annex to its progress report, the Panel included a working paper on the implementation of paragraph 5 of resolution 2017 (2011). The members of the Committee agreed that a working document, incorporating the contributions of various United Nations bodies and departments in relation to the paragraph, would be consolidated by the Panel in February 2012, on the basis of which a Committee report would be submitted to the Security Council shortly thereafter.

46. On occasion, the Panel of Experts has provided the Committee with input for the elements of a draft response to a Member State requesting the guidance of the Committee on a particular matter.

47. On two occasions, pursuant to a request for assistance received from the Panel of Experts in connection with eliciting a response from a Government to a proposed visit by the Panel to a country, the Committee has written to the permanent mission to the United Nations of that country to seek its help in expediting a response to the Panel and to facilitate a possible visit by the Panel to the country.

I. Periodic reports to the Security Council

48. Under the provisions of subparagraph 24 (e) of resolution 1970 (2011), the Chair of the Committee delivered oral reports to the Security Council on the work of the Committee, in public meetings on 28 March, 27 June, 26 September and 22 December 2011 (see S/PV.6507, S/PV.6566, S/PV.6622 and S/PV.6698).

IV. Observations

49. In terms of the work of the Committee, the most noteworthy recent development is the delisting of the Central Bank of Libya and the Libyan Foreign

Bank, on 16 December 2011, upon the request of the relevant Libyan authorities. These two entities are therefore no longer subject to the asset freeze. The Committee will continue to work towards the goal of ensuring that all assets frozen pursuant to resolutions 1970 (2011) and 1973 (2011) are made available as soon as possible to and for the benefit of the people of Libya.

50. The Committee also stands ready to provide guidance on the scope and application of the relevant measures to any Member State that so requests, in order to ensure a clear and consistent understanding by all.

Annex

List of reports received from Member States on the implementation of Security Council resolution 1970 (2011)

Member State	*Document symbol*
Algeria	S/AC.52/2011/32
Andorra	S/AC.52/2011/4
Argentina	S/AC.52/2011/11 and Add.1
Armenia	S/AC.52/2011/39
Australia	S/AC.52/2011/54
Belarus	S/AC.52/2011/45
Belgium	S/AC.52/2011/40
Brazil	S/AC.52/2011/17
Brunei Darussalam	S/AC.52/2011/50
Bulgaria	S/AC.52/2011/2
Canada	S/AC.52/2011/52
China	S/AC.52/2011/27
Colombia	S/AC.52/2011/48
Cyprus	S/AC.52/2011/9
Czech Republic	S/AC.52/2011/46
Denmark	S/AC.52/2011/33
Egypt	S/AC.52/2011/29
France	S/AC.52/2011/42
Gabon	S/AC.52/2011/12
Georgia	S/AC.52/2011/30
Germany	S/AC.52/2011/28
Greece	S/AC.52/2011/18
Iraq	S/AC.52/2011/36
Italy	S/AC.52/2011/38
Japan	S/AC.52/2011/23
Latvia	S/AC.52/2011/41

Member State	*Document symbol*
Lebanon	S/AC.52/2011/49
Liechtenstein	S/AC.52/2011/14
Malta	S/AC.52/2011/1
Malaysia	S/AC.52/2011/47
Mexico	S/AC.52/2011/44
New Zealand	S/AC.52/2011/19
Panama	S/AC.52/2011/13
Philippines	S/AC.52/2011/6
Poland	S/AC.52/2011/26
Portugal	S/AC.52/2011/16
Qatar	S/AC.52/2011/43
Republic of Korea	S/AC.52/2011/21
Republic of Moldova	S/AC.52/2011/25
Russian Federation	S/AC.52/2011/10 and Add.1
San Marino	S/AC.52/2011/35
Serbia	S/AC.52/2011/5
Singapore	S/AC.52/2011/24
Slovenia	S/AC.52/2011/34
Slovakia	S/AC.52/2011/8
South Africa	S/AC.52/2011/20
Sweden	S/AC.52/2011/31
Switzerland	S/AC.52/2011/15
Togo	S/AC.52/2011/51
Tunisia	S/AC.52/2011/53
Turkey	S/AC.52/2011/37
United Arab Emirates	S/AC.52/2011/3
United Kingdom	S/AC.52/2011/7
United States	S/AC.52/2011/22

United Nations A/66/657–S/2012/33

General Assembly
Security Council

Distr.: General
13 January 2012

Original: English

General Assembly
Sixty-sixth session
Agenda item 34
Prevention of armed conflict

Security Council
Sixty-seventh year

Conflict-related sexual violence

Report of the Secretary-General

I. Introduction

1. The present report, which covers the period from December 2010 to November 2011, is submitted pursuant to paragraph 18 of Security Council resolution 1960 (2010), by which the Council requested me to submit a report on the implementation of that resolution, as well as resolutions 1820 (2008) and 1888 (2009). The report updates progress made in the implementation of the monitoring, analysis and reporting arrangements and the placement of women's protection advisers; provides information on parties to conflict credibly suspected of committing or being responsible for acts of rape or other forms of sexual violence; highlights major outcomes of missions and political engagements undertaken by the Special Representative of the Secretary-General on Sexual Violence in Conflict and the Team of Experts on the Rule of Law and Sexual Violence in Conflict; describes key initiatives taken by the United Nations to address conflict-related sexual violence; and outlines a series of recommendations aimed at strengthening collective efforts to combat this egregious crime.

2. The preparation of the report involved broad and extensive consultations with members of the 13-entity network called United Nations Action against Sexual Violence in Conflict, United Nations field missions and country teams, and concerned Member States and non-governmental organizations. United Nations peacekeeping and political missions, as well as country teams, were the primary sources of information for the report.

11-65018 (E) 190112

Please recycle

3. Conflict-related sexual violence[1] refers to incidents or patterns (for the purposes of listing in accordance with Security Council resolution 1960 (2010)) of sexual violence, that is rape, sexual slavery, forced prostitution, forced pregnancy, enforced sterilization or any other form of sexual violence of comparable gravity against women, men or children. Such incidents or patterns occur in conflict or post-conflict settings or other situations of concern (e.g. political strife). They also have a direct or indirect nexus with the conflict or political strife itself, that is, a temporal, geographical and/or causal link. In addition to the international character of the suspected crimes (which can, depending on the circumstances, constitute war crimes, crimes against humanity, acts of genocide or other gross violations of human rights), the link with conflict may be evident in the profile and motivations of the perpetrator(s), the profile of the victim(s), the climate of impunity/State collapse, cross-border dimensions and/or the fact that they violate the terms of a ceasefire agreement.

4. The adoption of resolution 1960 (2010) ushered in a new compliance mechanism on conflict-related sexual violence. Guidance on the monitoring, analysis and reporting arrangements and on the analytical and conceptual framing of conflict-related sexual violence was prepared in collaboration with the United Nations Action network and disseminated in July 2011 to United Nations field teams in line with Policy Committee decision No. 2010/30 on sexual violence in conflict. Accordingly, the monitoring, analysis and reporting arrangements are being put in place in several settings through an approach that is flexible and based on country-specific circumstances in order to avoid duplication and fragmentation. Common information bases and methodologies for data collection for cases of conflict-related sexual violence are under discussion and continue to remain a challenge owing to the varying mandates and responsibilities of partner institutions. Given the sensitive nature of this violation, challenges also persist in collecting and verifying information. It should be noted that specific incidents cited in the present report are not intended to be indicative of the character and scope of violations. Cases of conflict-related sexual violence have, to date, been documented under broader headings such as sexual and gender-based violence. The agreement on a common definition of conflict-related sexual violence aims to address this. It is anticipated that more consistent information on conflict-related sexual violence incidents, perpetrators, trends and patterns will be achieved as the arrangements become established across all relevant situations of concern.

5. Armed conflict and its aftermath provide a specific context for sexual violence. The robust series of resolutions adopted by the Security Council over the past three years casts a new spotlight on this phenomenon and its perpetrators — predominantly men in uniform, affiliated with both State and non-State armed groups. This focus has provided strategic entry points for reaching non-traditional actors in the realm of women's security and must be sustained. In particular, security forces are mandated to protect, not prey upon, the civilian population. The uniform should symbolize security, discipline and public service, rather than rape,

[1] This is an agreed working definition used by the United Nations system, aimed primarily at standardizing reporting through the monitoring, analysis and reporting arrangements. It is intended to bring enhanced clarity to the task of collecting, classifying and analysing information so as to provide the Security Council and other global bodies with data that are comparable across field situations and over time. Such information can credibly ground a range of responses, including by the Security Council.

pillage and terror. Military personnel are responsive to training, unequivocal orders, disciplinary measures and the example set by their hierarchy. All of these should operate to prevent and deter sexual violence and other grave breaches of international humanitarian and human rights law. In particular, command responsibility must be strictly enforced when superiors fail to prevent or punish violations by their subordinates.

6. Sexual violence, and the long shadow of terror and trauma it casts, disproportionately affects women and girls. However, recent information underscores that the situation of male victims and the plight of children born as a result of wartime rape require deeper examination. The issue must be understood from all perspectives and addressed at all levels as part of a comprehensive approach to protecting civilians. In particular, the searchlight cast by the Security Council should extend to the darkest corners of detention and interrogation facilities, to ensure that abuses of power, including sexual abuse, are prevented and punished.

II. Information on progress made in the implementation of the monitoring, analysis and reporting arrangements pursuant to Security Council resolution 1960 (2010)

A. Modalities of the monitoring, reporting and analysis arrangements on conflict-related sexual violence

7. The purpose of the monitoring, analysis and reporting arrangements is to ensure the systematic gathering of timely, accurate, reliable and objective information on conflict-related sexual violence against women, men and children in all situations of concern, in line with paragraph 8 of resolution 1960 (2010). This information will be used to promote increased and timely action to prevent and respond to conflict-related sexual violence. The arrangements provide an opportunity to promote adherence to and operationalization of safe and ethical practices for collecting information on conflict-related sexual violence. The information derived from them should inform strategic advocacy, enhance prevention and programmatic responses for victims, and contribute to the development of comprehensive strategies to combat sexual violence at the country level.

8. The monitoring, analysis and reporting arrangements entail the establishment of a technical-level working group on conflict-related sexual violence, which may build on existing United Nations inter-agency mechanisms. The working group will review information, monitor and verify incidents of sexual violence, analyse data, trends and patterns, prepare reports, build capacity to strengthen the arrangements and coordinate commitments with parties to conflict. Emphasis should be placed on coordination with the monitoring and reporting mechanism under Security Council resolutions 1612 (2005) and 1882 (2009) on children and armed conflict, as well as monitoring and reporting under other mandates as appropriate. The Office of the United Nations High Commissioner for Human Rights (OHCHR), the human rights components of peacekeeping missions and other United Nations entities that have the requisite mandates, expertise and capacity, shall take the lead role in the functions of the working group related to monitoring and verification of incidents.

9. The arrangements also entail the establishment of a joint consultation forum on conflict-related sexual violence to review and discuss available aggregated and anonymized information and analysis on conflict-related sexual violence from a wide variety of sources, and make recommendations to the working group and senior United Nations leadership for advocacy and action to prevent and respond to sexual violence. In numerous country contexts there already exist arrangements to consult and coordinate on gender-based violence issues in humanitarian settings, such as the protection cluster, the gender-based violence area of responsibility/working group/subcluster and gender theme groups. Where possible and appropriate, the joint consultation forum may be convened under the auspices of such existing arrangements. The joint consultation forum may include members of the working group as well as representatives of international and local non-governmental organizations, representatives of health service providers and relevant Government representatives.

B. Women's protection advisers

10. In line with paragraph 12 of resolution 1888 (2009) and paragraph 10 of resolution 1960 (2010), the terms of reference for women's protection advisers were jointly prepared by the Department of Political Affairs, the Department of Peacekeeping Operations, OHCHR and the Office of the Special Representative on Sexual Violence in Conflict, in consultation with members of United Nations Action. The implementation of the conflict-related sexual violence mandate requires a three-pronged approach. Therefore, a women's protection adviser will be located in the Office of the Special Representative of the Secretary-General and will work in close collaboration with designated women's protection advisers located within human rights and gender components, where deployed. The roles of the respective advisers will be complementary and serve to strengthen the response of human rights, gender and other relevant components to conflict-related sexual violence.[2]

11. The Women's Protection Adviser within the Office of the Special Representative of the Secretary-General will coordinate among all relevant United Nations actors in order to strengthen the monitoring and reporting, prevention and response to conflict-related sexual violence against women, men and children. The Adviser will provide support as appropriate to United Nations actors for the implementation of the Security Council mandate on conflict-related sexual violence. Specifically, the role of the Adviser will focus on the implementation of the monitoring, analysis and reporting arrangements; coordination of actors involved in dialogue with parties to conflict; and contributing to the integration of conflict-related sexual violence considerations in United Nations policies, planning, operations and training.

12. The Women's Protection Adviser (Human Rights) will, inter alia, lead the monitoring and reporting function of the working group (see para. 8 above), coordinate the preparation of reports, undertake analysis of information to contribute to the understanding of the patterns and trends of sexual violence, and plan and coordinate multidisciplinary investigation teams.

[2] Terms of reference for women's protection advisers, September 2011.

13. The Women's Protection Adviser (Gender) will, inter alia, lead in mainstreaming, training, capacity-building and response aspects. This includes working with civilian, police and military components of missions to integrate sexual violence concerns in policy, activities, standard operating procedures, etc. The Adviser will also ensure that all mission components receive adequate training on conflict-related sexual violence, and will contribute to the development and implementation of protection plans and comprehensive strategies.

14. In developing the cadre of women's protection advisers, the United Nations system will draw in particular from human rights, gender and gender-based violence expertise. The objective is to cultivate a pool of advisers with a profile which combines gender analysis, human rights and operational security/protection expertise. The deployment or identification of women's protection advisers has been requested in a number of missions.

III. Information on parties to armed conflict credibly suspected of committing or being responsible for acts of rape or other forms of sexual violence

15. The last year has seen several new and ongoing armed conflicts where sexual violence was widespread and, in some instances, may have been systematically targeted at civilians by armed forces and armed groups, in order to punish, humiliate and destroy. Mass rapes against women and girls were also witnessed. The general breakdown in law and order, the absence of justice, continuing conflict, entrenched discriminatory attitudes and practices and the prevailing culture of impunity in these situations allowed for these crimes to be committed not only with appalling consequences for the victims, but with a force that destroys the fabric of society as a whole.

16. In all these situations, cases of conflict-related sexual violence remain largely unreported owing to several factors, such as social stigma, fear of reprisals, insecurity, a lack of available response services and the perceived futility of reporting as a result of weak administration of justice, apathy and political pressure. In cases where survivors record their cases, they often do so in order to receive medical and psychosocial support, and with the expectation that justice may be served in the future. Cultural practices and norms also tend to take precedence over written legislation in some contexts, where the burden of responsibility and proof falls on the victim. Reparation and redress are also hardly enforced by the justice system. Furthermore, given the slow pace of most investigations of sexual violence, whether owing to lack of will or to lack of capacity, expertise and resources, the fact is that most perpetrators of sexual violence remain at large and continue to enjoy impunity.

Colombia

17. The Constitutional Court of Colombia, in its order 092(2008), indicated that sexual violence, as well as sexual abuse and exploitation, was a habitual, extensive, systematic and invisible practice in the context of the Colombian armed conflict, perpetrated by all of the illegal armed groups and in isolated cases, by individual agents of the national armed forces. Among the specific offences and circumstances surrounding acts of conflict-related sexual violence cited by the Court were acts of sexual violence within armed operations; sexual violence against women and girls

who have been forcibly recruited; sexual violence against women whose relatives are members of armed groups; acts of torture and sexual mutilation; and forced prostitution and sexual slavery. Sexual violence disproportionately affects girls, displaced women and girls and Afro-Colombian and indigenous women and girls. This phenomenon however remains vastly underreported.

18. Of particular concern is the commission of grave and repeated acts of sexual violence by armed groups such as the Fuerzas Armadas Revolucionarias de Colombia-Ejército del Pueblo (FARC-EP) and the Ejército de Liberación Nacional (ELN), and illegal armed groups that emerged after the demobilization of paramilitary organizations, against girls who are recruited or associated with them. The girls are required to have sexual relations with adults at an early age and are forced to abort if they become pregnant. They are also forced to use methods of contraception that are often inadequate and harmful to their health. Sexual violence and forced displacement are also linked, as too often displacement becomes the only avenue left for women and girls in certain areas to avoid becoming victims of sexual violence by armed groups. While many of these illegal armed groups are dedicated to common criminal activities, others operate in a manner similar to that of the former paramilitary organizations. Some of the groups have a military structure and chain of command and are capable of exercising territorial control and sustaining military-type operations. Some of these groups have demonstrated their capacity to mutate and, in some instances, to operate jointly. The Government considers all these groups to be criminal gangs.

19. There have been reported cases of sexual violence by members of Colombian security forces. In most of the cases, the victims were girls. For example, in September 2011, the Office of the Human Rights Ombudsman in Colombia stated that in Cartagena district, in areas where the presence of the armed forces is significant, "even if cases of sexual violence against women perpetrated by the security forces do not correspond to a war strategy [...], they constitute a generalized practice that takes advantage of the conditions of subordination of women, their precarious economic conditions resulting from lack of protection by the State, and the acceptance of existing ideas in the local culture, such as that a woman's body is an object that belongs to men". While recognizing the existence of sexual violence allegedly attributable to members of the security forces, the Ministry of Defence of Colombia stresses it is not possible to say that it is a widespread practice. The Ministry also recognizes the need to review the systems and protocols for dealing with complaints, as they serve as an early warning mechanism to prevent serious human rights violations and breaches of international humanitarian law.

20. The Government of Colombia has undertaken several positive steps to address sexual violence. In July 2011, a High Adviser for Women's Equality was appointed to advise the Government on gender equity and public policies. In a public declaration in September, the High Adviser expressed the importance of preventing and prosecuting sexual violence crimes committed by all parties to the conflict. The Victims and Land Restitution Act of June 2011 also represents a significant step forward in addressing conflict-related sexual violence. The law recognizes differences based on gender and sexual orientation and provides for specific protection measures and special procedures, including reparations. Further, some mechanisms to provide assistance and services to victims of sexual violence and their families have been established, such as the Centre for Comprehensive Attention to Victims of Sexual Violence.

21. Efforts to ensure accountability are also being undertaken by military and judicial authorities. Through directive No. 06 (17 May 2011), the Attorney-General reiterated his commitment to fight against impunity for sexual violence, especially that which is directed against women and children in the armed conflict. In March 2011, seven police officers from the National Police were sentenced for sexual abuse committed in June 2009 against a displaced 13-year-old girl in Bogotá. Directive No. 11 (July 2010) of the Minister of Defence, which sets the obligation of the armed forces to prevent, in the exercise of their functions, all forms of violence against women and children, specifically violent sexual acts, is currently being reviewed to ensure it is in line with a "zero tolerance" policy against sexual violence. However, there remains the need to develop definitive measures to enforce military discipline, including strengthening command responsibility, separation from service, preventive background checks on military personnel, immediate response protocols and the enabling of judicial and disciplinary investigations, as well as preventive and protection measures for victims, including reparations.

22. By its order 092 of April 2008, the Constitutional Court of Colombia ordered the Attorney-General's Office to pursue investigations into 183 specific cases of sexual violence against women and girls. To date, only four of those cases have been brought to trial. Further, throughout the country, of 77 cases being investigated by the regional sections of the Attorney-General's Office, 42 arrest warrants have been issued and there have been six convictions. Separately, in the context of the transitional justice mechanism established in Colombia (Law 975), the Justice and Peace Unit of the Attorney-General's Office reported that as of 31 July 2011, of 26,026 confessions made by members of former self-defence militias, only 55 were of sexual violence. Judicial actions have been initiated against some self-defence militias who operated between 1999 and 2006, under the framework of the Justice and Peace Law. The new Attorney-General has taken some positive steps in 2011 to combat impunity for sexual crimes. For instance, in August 2011, in Norte de Santander, a member of a paramilitary group was charged with subjecting at least 25 women and girls to torture and sexual slavery.

Côte d'Ivoire

23. Côte d'Ivoire witnessed an increase in rape and gang rape targeting civilians during the recent post-elections crisis, tragically repeating what occurred during the country's 2002-2004 civil war. Sexual violence crimes were committed by all parties to the conflict, which included elements of the former Forces de défense et de sécurité (FDS), elements of the former Forces armées des forces nouvelles (FAFN), elements of the Forces républicaines de Côte d'Ivoire (FRCI), members of militia groups,[3] traditional hunters known as Dozos and members of the Fédération estudiantine et scolaire de Côte d'Ivoire (FESCI), either affiliated with former President Laurent Gbagbo's coalition, La majorité présidentielle (LMP), or the

[3] At the end of May 2011, there were estimated to be 15,000 militiamen and mercenaries grouped into at least 20 groups, including the Front pour la libération du Grand Ouest (FLGO), led by Maho Glofié, the Alliance patriotique du peuple Wé (APWE) led by Gougnan Monpuho Julien alias Colombo; the Mouvement ivoirien de liberation de l'ouest de la Côte d'Ivoire (MILOCI) led by Zaké Sylvain alias Pasteur Gammi; the Union patriotique de résistance du Grand Ouest (UPRGO), led by Yayi Octave, with the Duekoué subsection led by Gabriel Banao; the Force Wé led by Tehe Laurent; the Force spéciale anti-terroriste (FSAT), led by Guei Hugues; the Union pour la défense des Wé (UDWE) led by Gbaou Adonis; the Mouvement armé indépendant du Moyen-Cavally (MAIMCA) led by Tekoua Sonzai Lucien; the Coalition pour la libération du Grand Ouest, Toulepleu section, led by Gbopehi Marcel; the Cossforlo, led by Pasteur Tia Robert; and the Seanhe Gban, led by Kouitechle Paul.

ruling party coalition of President Alassane Ouattara, the Rassemblement des Houphouëtistes pour la démocratie et la paix (RHDP). Civilians, including in some instances children aged between 12 and 15 years, were also reported to be perpetrators.

24. These acts were politically or ethnically motivated and inflicted publicly or in front of family members by elements of armed groups or militias in order to humiliate men and women perceived as political opponents. In Abidjan, on 18 December 2010, seven women who were arrested during a demonstration staged on 16 December by RHDP supporters were gang-raped on two occasions by three masked gendarmes while in detention at the police prefecture. On 3 April 2011, a girl and three male supporters of RHDP were raped in Abidjan by armed youth affiliated with LMP. Similarly, on 11 April, also in Abidjan, seven children between 10 and 15 years of age were raped by RHDP supporters. One of the girls allegedly died as a result of the rape while the survivors left their homes and went into hiding.

25. An alarming trend in rape cases was also observed in western Côte d'Ivoire, where gang rapes by unidentified individuals believed to be members of militia groups frequently occurred during armed attacks against public transport vehicles or private homes. The perpetrators took advantage of the worsening security situation as well as the collapse of the judicial and corrections system, which led to the nationwide escape of almost 12,000 prisoners, including notorious repeat sex offenders. On 4 January 2011, at least 17 women, including a six-year-old child, were gang-raped in Duékoué by a group of 10 armed militiamen belonging to the Alliance patriotique de l'ethnie Wé (APWE), led by Gougnan Monpuho Julien alias Colombo. The group threatened to burn them alive if they resisted being raped. On 7 February, five women and girls belonging to the Malinké ethnic group were gang-raped by a group of eight militiamen who ambushed the vehicle in which they were travelling between Duékoué and Man. However, the assailants did not rape two other women belonging to the Guéré ethnic group who were travelling with them. Incidents of rape by members of the Mouvement ivoirien de libération de l'ouest de la Côte d'Ivoire (MILOCI), led by Ziké Sylvain alias Pasteur Gammi, the Union patriotique de résistance du Grand Ouest (UPRGO), led by Yayi Octave, and the Front pour la libération du Grand Ouest (FLGO), led by Maho Glofié, were also documented. In early February 2011, nine women and girls, including pregnant women and a minor, were raped by FDS elements stationed in Boyapleu (Danané), prompting the flight of all young women from the village. Some of the pregnant survivors subsequently gave birth to stillborn babies. On 14 March, in Doké, a 20-year-old woman, then eight months pregnant, was raped by a FRCI element as she was trying to flee the city along with other inhabitants. On 13 April, in Deahouepleu, a female militant from the former ruling party, the Front populaire ivoirien (FPI), was raped by a FRCI element.

26. Between January and September 2011, a total of 478 cases of rape were documented across the country, including through the gender-based violence subcluster. However, only 13 arrests have been made, with no convictions to date. Discriminatory provisions within the national legislation, such as article 354 of the penal code, which does not specify the elements constituting the crime of rape, result in inconsistent rulings and decisions in violation of international law. Rape charges are often reclassified as indecent exposure (*attentat à la pudeur*), entailing a much shorter period of time for investigation and evidence-gathering. The Dialogue, Truth and Reconciliation Commission, established by presidential decree on 13 July 2011, represents an important step in rebuilding trust among Ivorians and in the fight against inhumanity, including crimes of conflict-related sexual violence.

During the visit of my Special Representative to Côte d'Ivoire in November 2011, Charles Konan Banny, the President of the Commission, made the commitment that reparations for victims would be an integral part of the Commission's mandate.

Democratic Republic of the Congo

27. Acts of sexual violence, including a series of mass rapes, took place in North and South Kivu in the eastern Democratic Republic of the Congo during the reporting period. In several incidents, mass rapes appear to have been perpetrated as a form of retaliation by armed groups or by elements of the Armed Forces of the Democratic Republic of the Congo (FARDC) against the population for their alleged collaboration with the "enemy". Acts of sexual violence are also used as an instrument to assert economic or political control over the population. On 31 December 2010 and 1 January 2011, at least 46 women and one girl in Bushani and Kalambahiro (Masisi territory, North Kivu) were raped allegedly by armed men identified as FARDC elements, commanded by Colonel Chuma Balumisa and Colonel Mugisha, who may have acted in reprisal against the civilian population for their perceived support of "enemy" forces. Separately, during the night of 1 to 2 January 2011, in Fizi territory (South Kivu), more than 50 women were raped by integrated elements (ex-Congrès national pour la défense du peuple (CNDP) and Patriotes résistants congolais (PARECO), led by Lieutenant Colonel Kibibi Mutware) of the former 43rd FARDC sector, in what was believed to have also been in retaliation against the civilian population following the killing of one FARDC element belonging to that sector. On 21 February, the South Kivu military court in Baraka sentenced 11 FARDC elements, including Lieutenant Colonel Mutware, for crimes against humanity, including rape, committed on 1-2 January in Fizi town. In Kikozi, Uvira territory (South Kivu), nine women were allegedly raped and one health centre and several households reportedly looted, by Forces républicaines fédéralistes (FRF) elements led by Major Rupongo Rogatien John and Major Shaka Nyamusaraba, who had been recently integrated into FARDC. In June, 80 people, including 12 children and a man, were allegedly victims of rape and other acts of sexual violence by Alliance des patriotes pour un Congo libre et souverain (APCLS) elements, led by General Janvier Karairi, in Mutongo and surrounding villages, in Walikale territory (North Kivu). Extensive looting and other human rights violations were also documented. Also in June, the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) received reports that between 9 and 12 June, rapes and looting had allegedly been committed by FARDC elements under the command of Colonel Kifaru Nirgiye Karibushi in Nakiele and surrounding areas in Fizi. According to MONUSCO, following two investigation missions to the area, it has been difficult to ascertain the scope and magnitude of the incidents. However, it has been confirmed that human rights violations, including sexual violence, occurred. My Special Representative on Sexual Violence in Conflict is working closely with MONUSCO, United Nations agencies and non-governmental organizations to follow up on this matter. A judicial investigation by the South Kivu military prosecutor is ongoing; on 12 October, Colonel Kifaru was appointed as commander of the 111th FARDC regiment in Lemera (South Kivu).

28. Following the mass rapes and looting committed by Mai-Mai Sheka and FDLR elements in Walikale between 30 July and 2 August 2010, during which at least 303 people in 13 villages were raped, "Lieutenant Colonel" Mayele of Mai-Mai Sheka remains in custody, although his trial is yet to begin. Government authorities also issued arrest warrants for "Colonel" Sheka Ntaberi himself, as well as for

"Lieutenant Colonel" Evariste Sadiki Kanzeguhera and "Captain" Seraphin Lionzo alias Karangwa of the Forces démocratiques de libération du Rwanda (FDLR), all of whom are also alleged to have been involved in the attack and who remain at large. On 15 September, the Independent National Electoral Commission registered "Colonel" Sheka's candidacy in the National Assembly elections, which began on 28 November. Meanwhile, Mai-Mai Sheka attacks in Walikale continued. Following the events in July and August 2010, the United Nations supported the deployment of 100 Congolese National Police officers to the affected area through an integrated response. The deployment facilitated the return of the local population to their villages and Government authorities' criminal investigations into the incident. This represents a positive example of local security forces employed to provide protection to victims and witnesses of sexual violence.

29. A total of 625 cases of sexual violence perpetrated by parties to the conflict were documented during the reporting period by the United Nations, representing 602 cases against women and girls and 23 against men and boys in the three conflict-affected provinces: North Kivu (299), South Kivu (167) and Orientale Province (159). Of these 602, 151 cases (including those of five children) were attributed to FDLR; 34 cases (including 26 children) to the Lord's Resistance Army (LRA) and 126 cases (including 24 children) to various Congolese armed groups, particularly FRF, APCLS and Mai-Mai groups in North and South Kivu, including Mai-Mai Sheka and PARECO. Of particular concern is that almost half of the 625 cases were attributed to elements of FARDC (261 cases, including 3 men, 66 children) and the Congolese National Police (41 cases, including 13 children). This may be explained in part by the fact that human rights violations perpetrated by the national security forces are easier to monitor than those of armed groups due to access.

30. LRA combatants in Orientale Province often attack villages with the aim of looting supplies for the group but also abducting adults and children to carry stolen goods. Most of the abducted girls and women are subjected to sexual slavery during their captivity, including being forcibly married to LRA commanders. Individual cases of rape were reported as perpetrated by elements of the national security forces and armed groups against farmers on their way to their fields. Cases of sexual violence perpetrated by FARDC elements allegedly occurred during patrols or when extorting supplies from the population. The limited progress in the development of an accountable and professional security force, the lack of regular payment of salaries and the weak command and control structure of the Congolese army contribute to continued human rights violations, including sexual violence.

31. Data recorded through the multisectoral assistance component of the national strategy on gender-based violence indicate that 3,527 victims of sexual violence (including 723 children) in North Kivu, 4,379 (1,015 children) in South Kivu and 1,628 in Ituri received medical and psychosocial support from October 2010 to August 2011. The number of assisted persons does not represent the number of new cases of sexual violence documented during the same reporting period. This is because some victims access services only when they start experiencing health problems, whereas others seek psychosocial support months or even years after the incident occurred. Also, in a post-conflict context, in areas where large numbers of armed elements are undergoing demobilization, it can be difficult to differentiate between civilians and former combatants. Victims may therefore often name civilians rather than men in uniform as their aggressors.

32. Despite the increased efforts by the Government of the Democratic Republic of the Congo, supported by the international community including MONUSCO, to arrest and try perpetrators of sexual violence, a significant number of cases of sexual violence committed by armed groups and FARDC elements have not been followed up through judicial means. Some cases are not investigated, or if they are, trials are not held, or sentences are not served by the perpetrators. Even when perpetrators are prosecuted and convicted, judges often apply a penalty below the minimum set out in the law. Of particular concern is the impunity enjoyed by high-ranking officers responsible for human rights violations, including sexual violence. For instance, the perpetrators of the rapes that took place in Kikozi and in Bushani are still at large. It is also regrettable that the trial of "Lieutenant Colonel" Mayele has yet to begin despite efforts by MONUSCO and other partners to support the judicial process.

33. Between December 2010 and August 2011, more than 250 trials of elements of national security forces were held with the assistance of MONUSCO and other United Nations entities, including through holding mobile hearings. As a result, more than 150 FARDC and Congolese National Police elements were sentenced for rape and other acts of sexual violence. In addition, on 16 August 2011, in a landmark trial, the Bukavu military tribunal convicted two Rwandan FDLR combatants charged with crimes against humanity, including rape, committed against the population of Kalonge and Bunyakiri from June 2006 to January 2007.

34. MONUSCO has established four of a proposed five prosecution support cells (PSCs) to boost the capacity of the Congolese justice system in the investigations of war crimes and crimes against humanity, including sexual violence. The MONUSCO Security Sector Development Unit has coordinated a training programme for Congolese army officers in Orientale Province and South Kivu to become trainers on sexual violence, child protection, human rights and international humanitarian law. Similar initiatives are under way, including with the Congolese National Police, in the eastern part of the country, focusing particularly on dealing with victims and witnesses of sexual and gender-based violence. In both instances, the training modules developed will become the national standard for the training and sensitization of national security forces on sexual and gender-based violence.

Libya

35. During the conflict in Libya between February and October 2011, allegations of sexual violence committed by parties to the conflict were reported. In its report of June 2011, the Commission of Inquiry mandated by the Human Rights Council to investigate alleged violations of international human rights law in Libya concluded that sufficient information had been received to justify further investigation to ascertain the extent of sexual violence. With a view to ascertaining the actual scope and scale of conflict-related sexual violence in Libya, the United Nations has begun to investigate, gather and analyse information on such violations.

36. The preliminary findings from the initial phase of monitoring confirm that both women and men were subjected to rape and other forms of sexual violence. Women were reportedly abducted from their homes, from cars or from the streets and raped in places unknown to the victim, while men were raped in prisons and places of detention. Rape was reportedly used as a form of punishment against those who rebelled against the former Qadhafi regime. It has been alleged that rape was

prevalent in Zawiyah, Zuwara, Ajdabiya, Misrata and Legzaya (Nafusa Mountains), which were besieged by the former Qadhafi forces. It is, however, too early to determine whether security forces of the former Qadhafi regime and its followers had received orders to carry out rape against women, men and children during the conflict. For example, in one case, a 23-year-old woman was raped on two occasions in the town of Beni Walid by armed men who were wearing military uniforms; she is currently five months pregnant. In another case, a 34-year-old woman reported that she had been taken into an interrogation room, thrown on the floor, beaten and raped by three men. She identified them as members of Qadhafi's forces. She also claimed that there were many women who were raped but feared to report it because of stigma. The absence of State structures to address sexual violence exacerbates the situation and strengthens the silence of victims and witnesses.

37. In their testimonies, men who had been arrested and detained between March and June 2011 at the Abu Salim prison and detention facilities such as the Salah-al-Din Centre for Criminal Interrogation, the Maetiga detention centre, the Bojamil Centre of Interior Security and the Gheryan military battalion, reported being subjected to torture and ill-treatment, as well as to sexual assaults, threats of rape against them and their families, and rape, including anal rape with an automatic weapon, electric shocks to their genitals, and having acid thrown on their private parts by the former Qadhafi security forces, including the prison director of the Abu Salim prison, members of the Subhan battalion in Gheryan and auxiliary security agents belonging to the President of the Popular Guard, Mansour Dowd. They had also been threatened with death for failing to confess. The men noted the presence of female and child detainees, and did not rule out the possibility that they were also being raped and sexually abused.

38. Separately, members of the former Qadhafi forces who are currently in detention in the Haffra prison, Tajoura region, also report having been subjected to torture and ill-treatment to elicit confessions for crimes of which they had been accused, including rape and other forms of sexual violence. They deny having received orders to rape from their superiors. In one case, the detainee reported that he had been blindfolded, handcuffed and subjected to electric shocks on his genitals by members of the Abu Hakim Alhalib rebel forces. The head of the centre for the rehabilitation and reform of prisoners in Tajoura confirmed that two members of the former regime were currently in detention on charges of rape committed in the Misrata region during the conflict.

Myanmar

39. Information, including that noted by the United Nations, points to widespread perpetration of rape by Government armed forces (*Tatmadaw Kyi*) in militarized ethnic border areas, particularly in eastern Myanmar. In many instances, the occurrence of rape is allegedly more than opportunistic but condoned by military commanders.

40. The ongoing tensions in ethnic border areas and armed conflict with armed ethnic groups reportedly continue to engender serious human rights violations, including attacks against civilian populations and sexual violence. Reports indicate that as many as 32 women and girls throughout Kachin State were allegedly raped by the *Tatmadaw Kyi* between June and August 2011. According to the Government,

there were four cases of rape in Shan State and one case in Kachin State in 2011 and punitive action has been taken against the perpetrators.

41. The new Government has recognized the negative effect which five decades of armed conflict has had on ethnic minorities and has committed itself to addressing their grievances as well as promoting and protecting human rights.

Somalia

42. Numerous reports have been received of Harakat Al-Shabaab al-Mujahideen (Al-Shabaab) fighters committing sexual violence, including forcing women into marriages and acts of sexual slavery. Women were reportedly stopped at checkpoints and informed that a certain fighter had selected her for marriage. Families, fearing retaliation, generally comply.

43. Since the current influx of displaced persons into Mogadishu, exacerbated by the famine, a significant number of reports of sexual violence have been received. The majority of the reported victims are women and girls who live in internally displaced persons' camps in Mogadishu, having arrived mostly from the Bay and Bakool regions. Testimonies collected from the victims reveal that most women are subjected to violence, including multiple acts of sexual violence, at night while they sleep in their huts. Such violence is perpetrated by groups of armed men in military uniforms. Victims generally are unable to determine the identity of their attackers. For instance, militias under the command of district commissioners or regional administrations wear the same type of uniforms as Transitional Federal Government troops. Further, owing to the lack of or poorly functioning armouries, members of the armed forces and the police reportedly maintain possession of their weapons while off-duty, which could lead to their use by non-authorized individuals. The Transitional Federal Government has committed itself to establishing a task force with the United Nations to develop a strategy to prevent and respond to the phenomenon of sexual violence.

44. The combined effects of the drought and conflict also led to a population exodus from Somalia in the first part of 2011. Displaced women and girls were reportedly subjected to sexual assaults and threats of sexual violence by bandits or men with guns while in transit, and upon arrival in refugee camps in Kenya. Very often these attacks involved multiple perpetrators, with women and girls reportedly raped or gang-raped, often in front of their husbands. From January to June 2011, 136 cases of sexual violence were documented among newly arrived refugees in two out of three refugee camps in Dadaab, Kenya. The number of actual cases is thought to be significantly higher than those reported.

45. Women and girls displaced from south-central Somalia in the recent years owing to the continuing hostilities, and living in internally displaced persons' settlements in "Puntland", also face conflict-related sexual violence. Lack of security, low social status as members of ethnic minorities and a lack of clan protection are all factors that continue to expose them to the risk of sexual violence, which takes place both at the hands of members of the host community as well as fellow displaced men. Women are raped at night in their huts, or going about their chores such as collecting firewood or water, going to the market or working as housemaids. Of 150 cases opened with the police in 2009, none had reached sentencing as of February 2010. Despite pledges by the "Puntland" authorities, this chronic situation remains largely unaddressed.

South Sudan

46. Despite a successful referendum and the achievement of internationally recognized independence during the reporting period, South Sudan experienced violence, notably in Upper Nile, Jonglei and Unity States, with cases of conflict-related sexual violence. Two observations can be made based on the data currently available: first, cases of sexual violence took place in and around encampments of the Sudan People's Liberation Army (SPLA), and were reported when the armed forces remained in an area for some time without engaging in active conflict; second, sexual violence took place during SPLA military operations against militia groups.

47. Several communities located near SPLA camps or barracks reported sexual violence, particularly rapes, perpetrated by SPLA soldiers. These communities reported that they felt that SPLA operated in their areas with impunity, and that they frequently could neither protect themselves from such abuses nor seek redress. It is of concern that law enforcement officials have not regularly undertaken thorough investigations into violations allegedly committed by SPLA. It is also of concern that, where civilian authorities have attempted to pursue those implicated in sexual violence crimes, there has generally been a lack of cooperation from SPLA leadership.

48. During armed conflict between SPLA and the South Sudan Liberation Army (SSLA), a rebel militia group then under the overall command of Peter Gatdet,[4] in Mayom County (Unity State) in May 2011, rapes by both parties were reported. These included the rape of a 15-year-old girl by SSLA elements in May 2011 in Mayom County, and the April 2011 abduction and rape of three girls (ages 16, 16 and 17 years) by the same militia group in Abiemnom County.

49. Rapes by SPLA were also reported during clashes between the SPLA and forces of the rebel militia leader George Athor. At least five cases were reported to have taken place in Fangak County in late February 2011 during the SPLA "Operation Buffalo", a drive to push Athor's forces out of northern Jonglei State. There is evidence that elements of this operation were directed at communities viewed as supporting Athor.

50. In May 2011, four girls (ages 11-15) — returnees who were travelling from northern to southern Sudan — were reportedly raped by Misseriya militia members who attacked their train in Northern Bahr el Ghazal State.

51. The Lord's Resistance Army (LRA) continues to perpetrate sexual violence in South Sudan. In May 2011, two women in Tambura County, Western Equatoria State were reportedly abducted by LRA, and one 16-year-old girl was reportedly abducted by suspected LRA elements in Raja County, Western Bahr el Ghazal State. Further investigations into these abductions were, however, not possible.

52. South Sudan is emerging from decades of war with extremely weak institutions: trained social service providers are almost non-existent, few health workers are deployed at the community level, police are poorly trained and

[4] Lines of command and control among the rebel militia groups in South Sudan are frequently ill-defined, with many subcommanders having substantial control over individual units. While Gatdet represented himself as commander of SSLA, further investigation would be required to establish legal responsibility for the actions of soldiers.

equipped to investigate cases of sexual violence, and all sectors (health, psychosocial and justice) are weak and underfunded. Progress is being made, however, including the approval of a national standard operating procedure for gender-based violence, training of social workers and the development of basic capacity within the police to address such cases. The focus of Government-led efforts is on training and developing support and referral systems for survivors, notwithstanding the challenges in tackling sexual violence perpetrated by the security forces, and ensuring that SPLA leadership addresses this issue through the chain of command.

Sudan (Darfur)

53. During the reporting period, there were spikes in incidents of sexual violence following armed clashes between the Sudanese Armed Forces (SAF) and various armed movements. The clashes between SAF and the Sudan Liberation Army/Minni Minnawi (SLA/MM) and between SAF and the Justice and Equality Movement from December 2010 to late February 2011, and the resumption of hostilities from 10 April to 1 May, resulted in large population displacements in Northern and Southern Darfur and increased the vulnerability of women and girls. The build-up of troops in towns and the proliferation of small arms, including in internally displaced persons' camps, contributed to the prevailing insecurity. Reports of rape, attempted rape and sexual assaults on women and girls were recorded in each of the three Darfur States. Six women were reportedly killed during rapes and attempted rapes. Documented incidents, however, indicate that Government forces, especially SAF and their alleged proxies, have targeted female displaced persons who are perceived to be supporters of SLA/MM, the Justice and Equality Movement or SLA/Abdul Wahid. The signing by the Government of the Sudan and the Liberation and Justice Movement of the Agreement for the Adoption of the Doha Document for Peace in Darfur on 14 July 2011 is a step forward in the peace process. The United Nations calls on the non-signatory movements to cease hostilities and join the peace negotiations.

54. In addition, a total of 66 reported cases of sexual violence involving 111 victims, all internally displaced persons, including 43 children, were recorded by the African Union-United Nations Hybrid Operation in Darfur (UNAMID) during the reporting period. In the majority of incidents, victims and witnesses were unable to provide information on the identity of the alleged perpetrators, described as "men in uniform". The victims in 17 per cent of cases identified Government of Sudan forces as their attackers, specifically the Central Reserve Police, SAF, Government police and "forest guard".[5] There were no reports of incidents of sexual violence in which members of armed movements were identified as perpetrators. However, as UNAMID does not have access to certain areas controlled by armed movements there is no information on the extent of sexual violence in those areas.

55. Of the 66 incidents noted by UNAMID, 35 were reported to the Government police, and investigations have commenced on 26 of the 35 cases. In one instance, a police officer was sentenced to five years' imprisonment by the Court of Appeal for raping a 3-year-old girl, although the case was initially dismissed by the Zalingei General Court owing to the statutory immunity that some Government forces enjoy.

[5] The survivor referred to the "forest guard" which is believed to be a reference to the Wildlife Protection Police.

56. The Government of the Sudan is beginning to address sexual violence cases through the development of a national action plan to combat violence against women. The Government has established units for combating violence against women at the national level and in seven States. There are State committees to combat violence against women and children in each of the three Darfur States. They are tasked with ensuring that cases are reported to Government police and investigated and that there is continued training for key law enforcement and judicial actors. With United Nations support, advanced training for Government police in investigation techniques has been undertaken. Their rotation has, however, raised some challenges in maintaining a cadre of trained police investigators in Darfur. Capacity-building efforts for specific Government ministries, prosecutors and members of the judiciary, as well as for informal rural and traditional court actors, are also being carried out to ensure that sexual violence cases are not dismissed for insufficient evidence or on a point of law, and that psychosocial support is made available to victims without discrimination.

57. In-mission training on conflict-related sexual violence is provided for all newly arrived UNAMID military and police contingents. Additionally, a gender unit is fully operational within the UNAMID police structure, and more female UNAMID police personnel have been deployed to team sites and community policing centres at displaced persons' camps to augment the efforts of Government police in addressing conflict-related sexual violence incidents. Regular UNAMID patrols in localities where there is a UNAMID military outpost and the provision of escorts for firewood, water and grass collection by displaced women and children has assisted in limiting the prevalence of sexual violence cases in these areas, particularly during the farming and cultivation season.

IV. Information on conflict-related sexual violence in post-conflict situations and other situations of concern

A. Sexual violence in post-conflict situations

Central African Republic and Chad

58. Although the Central African Republic and Chad are emerging from conflict following the signing of peace agreements and legislative elections, there are continued reports of incidents of conflict-related sexual violence against women and girls. The primary perpetrators in these settings are civilians, although current and former elements of armed groups are also implicated. In the Central African Republic and Chad, the limited progress so far in the disarmament, demobilization and reintegration and security sector reform processes and the continued presence of armed individuals and absence of State authority in certain regions contribute to the culture of impunity. This is compounded by the influx of returning refugees and internally displaced persons and the absence of protective measures to separate victims of sexual violence from their known aggressors in the community.

59. In the Central African Republic, the Convention des patriotes pour la justice et la paix and road bandits, known as "Zaraguinas" or "coupeurs de route", who operate in the north and east of the country, have been implicated in sexual violence crimes. In the south-east, the abduction of women and girls by LRA for use as sex slaves was reported by several victims, often teenage girls, who were able to escape.

sometimes after years of captivity. A teenage girl who escaped LRA in December 2010 told the United Nations that she had been abducted in October 2010 near Dungu, in the Democratic Republic of the Congo, and had then been taken to the Central African Republic. Another documented case involved a 16-year-old girl who had escaped from LRA in January 2011 after two years in captivity. The lack of verified information on sexual violence, particularly in areas affected by armed conflict in the Central African Republic, has given rise to serious issues of traceability, intervention and support for victims and survivors.

60. In order to tackle impunity in the Central African Republic, a revised penal code was promulgated by presidential decree in January 2010. It recognizes sexual violence, including rape, as crimes. The Government, in consultation with relevant stakeholders, also revised its existing law on the protection of women against violence in the Central African Republic to strengthen the provisions on combating sexual violence. The draft revised law is expected to be reviewed by the National Assembly in 2012.

61. In Chad, significant improvement in respect for the civilian and humanitarian character of refugee and internally displaced persons' camps has been made, reducing the incidence of sexual violence committed by armed men in these camps. However, cases of conflict-related sexual violence continue to be reported. For example, an attempted rape of a refugee was allegedly committed by three Sudanese soldiers in January in Oure Cassoni; a Chadian girl was allegedly gang-raped by three soldiers of the Chadian National Army in February; and the rape of a 16-year-old girl on 4 March was reported, also perpetrated by three members of the Chadian National Army during a disarmament mission in the town of Goz Beida. Impunity enjoyed by soldiers of the armed forces remains a major concern.

Nepal

62. Impunity relating to past human rights abuses, including sexual violence, during the armed conflict is a major factor undermining early recovery and peacebuilding in Nepal. Sexual violence was perpetrated by both security forces and Maoist combatants during the conflict. The failure so far to ensure accountability for these crimes has allowed sexual violence to persist post-conflict.

63. Despite commitments set out in the Comprehensive Peace Agreement of November 2006 to address human rights violations and bring an end to impunity, successive Governments have been reluctant to proceed with delivering truth, justice and reparations to the victims. Victims of conflict-related sexual violence, including rape, have been excluded from the Government's interim relief programme. The two main transitional justice mechanisms provided for in the agreement, namely, the Truth and Reconciliation Commission and the Commission on Disappearances, are yet to be established, although significant progress has been made on this account in recent months. Consensus has been established among lawmakers working on the bills that neither amnesty nor pardon will be granted for rape crimes. This is a significant development, particularly given the failure in the interim relief programme to recognize victims of sexual violence.

64. The failure to investigate, prosecute and punish acts of sexual violence is problematic. Most perpetrators of sexual violence have not been charged with a criminal offence even when a complaint has been registered with the police. Also, in the absence of rights to confidentiality, victim support mechanisms and positive

examples of the system being able to resolve such cases, victims are generally reluctant to seek legal remedy. More concerning is that some alleged perpetrators have been promoted, appointed to senior Government positions or allowed to go on peacekeeping duties. Rape victims also face several obstructions in seeking justice. The civil code chapter on rape requires that when the victim is over 16 years old, evidence of non-consent must be provided. In addition, the 35-day statute of limitation for filing complaints related to rape and other sexual offences impedes further the reporting of cases of a crime that is severely underreported, thereby undermining the chances of a successful prosecution. Although the Supreme Court has issued orders to review the existing legislation, no progress has been made.

Sri Lanka

65. Following the end of conflict in Sri Lanka, concerns have been expressed about the vulnerability of women and girls to sexual violence in the former conflict-affected areas. In addition to the large-scale movement of displaced persons out of the camps in Menik Farm, the high level of militarization of the areas of return requires careful attention, given that thousands of women now head households on their own. Related concerns have been consistently raised, including with the Government of Sri Lanka. According to the Government, there is a considerable number of war widows in the north and east.

66. As highlighted in the joint plan of assistance for 2012, the Government has recognized the importance of addressing sexual violence as part of its response to humanitarian needs in the areas of return, in partnership with relevant stakeholders. The Government's commitment to addressing concerns relating to sexual violence in post-conflict Sri Lanka is an essential measure whose full implementation could contribute positively to reconciliation in the country.

Bosnia and Herzegovina, Liberia, Sierra Leone and Timor-Leste

67. The high levels of sexual violence registered in the present day can to a certain extent be traced to the conflicts or the legacy of conflict in these four countries. In Liberia, in particular, post-war sexual violence has taken on new characteristics, such as gang rapes and the sexual abuse of very young children. Thousands of women (and men) have suffered as a result of these crimes and continue to suffer the effects, including trauma, indigence, poor health and stigmatization. Survivors are also tormented by routine encounters with former rapists. The breakdown of families owing to men being killed, detained or displaced during the conflict has left many women and their children at heightened risk of sexual exploitation and trafficking. Violence experienced during the war also seems to manifest itself in increased and more severe cases of domestic violence in Bosnia and Herzegovina and Timor-Leste. In Timor-Leste specifically, many women are victims of violent behaviours potentially associated with traumatic experiences suffered during the conflict by male members of their family. In addition to impunity for crimes committed during the conflict, there are continuing challenges to ensure accountability for the alleged perpetrators of sexual violence crimes post-conflict.

68. It is important to better understand not only the drivers of high rates of sexual violence in these situations, but also how sexual violence impedes the full restoration of peace in post-conflict societies. The following paragraphs outline initiatives taken to address cases of sexual violence perpetrated during the conflicts,

as well as some of the remaining gaps, particularly in the areas of accountability and reparations for survivors.

69. The Government of Liberia has taken significant steps in recent years to improve the normative and legislative framework on sexual violence. Particularly important are the recent adoption of the 2005 amendments to the penal code (the so-called rape law, which introduced more severe sanctions and provisions on gang rape); the 2008 Sexual Offences Act, which established Criminal Court E in Montserrado County and provided for the establishment of sexual offences divisions of the circuit court in each county, granting exclusive jurisdiction to circuit courts over sexual offences; and the establishment of the Sexual and Gender-Based Violence Crimes Unit. Although it is a positive development that rape is now a non-bailable offence carrying a minimum 10-year sentence, it has deterred women from pursuing cases against family members upon whom they may be economically dependent, and neighbours in communities where the sentence is perceived as unduly harsh. Accordingly, it is common for rape cases to be settled by families out of court. A lack of awareness among victims of how the criminal process works also leads to abandonment of cases after pretrial detention of a suspect, where the victim mistakenly understands that the case is finished. Furthermore, as shown by a tracking exercise conducted by the United Nations between April 2010 and March 2011, the limited capacity of the criminal justice system, particularly outside the capital, has resulted in only 38 of the 903 reported cases reaching trial. Of the 38 cases, 17 ended in convictions. Criminal Court E, which is dedicated to sexual violence, has only heard a limited number of cases since its inception in February 2009. In September 2011, the national children's law was passed by the legislature and is currently on the desk of the President of Liberia for signature. This law includes special provisions for the protection of children against sexual abuse and exploitation.

70. The Government of Sierra Leone has also taken several important steps to address sexual violence. In February 2011, extraordinary court sittings known as "Saturday courts" were established in Freetown to tackle the backlog of cases. The courts, at both the magistrate and high court level, have already had hearings of 73 per cent of the backlogged cases. Final amendments are currently being made to the sexual offences bill by the Ministry of Social Welfare, Gender and Children's Affairs to harmonize the three and sometimes contradictory laws relating to sexual violence in the country.

71. The family support units established in 2001 within the Sierra Leonean police were assigned a leading role in investigating cases of sexual violence against women and children. The units, however, continue to face several challenges. Many people still perceive rape as a social problem and not a crime. Security and justice institutions seem remote, expensive and slow, resulting in reluctance to bring matters to the police. Moreover, the family support units are inadequately equipped to handle the large number of reported sexual violence cases. Their lack of mobility or forensic capacity makes it difficult to collect tangible evidence in rape cases and apprehend suspects in remote areas. There is only one doctor for the entire western area and one doctor in each of the 12 districts who can conduct medical examinations to corroborate sexual abuse. The need to pay for such examinations usually deters access to justice and ultimately contributes to a culture of impunity.

72. Further, only 3,602 survivors of sexual violence were among the 32,110 war victims registered by the Reparations Directorate of the National Commission for Social Action. It has been estimated however that 250,000 women and girls were subjected to rape and other forms of sexual violence during the conflict, which suggests that a large number of sexual violence victims have not been registered.

73. In Timor-Leste, in relation to serious human rights violations involving sexual violence committed in 1999, the serious crimes units of the predecessor missions to the United Nations Integrated Mission in Timor-Leste (UNMIT) filed eight indictments for rapes and rapes as crimes against humanity, involving 22 alleged perpetrators and 22 victims. To date, two of the alleged perpetrators have been sentenced, one has been acquitted, and in one case the Dili District Court found that it had no jurisdiction. The Serious Crimes Investigation Team of UNMIT has concluded investigations into 16 cases of sexual crimes as crimes against humanity committed in 1999, involving 20 victims. A further six cases involving 14 victims are currently under investigation.

74. Further, in September 2010, the National Parliament of Timor-Leste approved in general reading two draft laws for creating a memory institute and establishing the framework for a reparations programme for victims of past human rights violations, including rape and sexual slavery. These new laws, when enacted, will provide the first comprehensive form of redress for victims.

75. In Bosnia and Herzegovina, the number of cases of wartime crimes including sexual violence prosecuted so far by the authorities is extremely low. Local courts still face serious obstacles in prosecuting war crimes. There is a lack of investigation of those responsible and often those accused are free or have managed to escape. Notorious instances of flight have been registered, also among those already convicted or detained. According to the information of the prosecutors and courts in Bosnia and Herzegovina, as of June 2011, a total 174 cases of conflict-related sexual violence were being processed, and there had been 12 convictions by national courts and 18 prosecutions by the International Tribunal for the Former Yugoslavia.

76. There is also an evident gap in the legal framework which may result in impunity for crimes of sexual violence committed during the conflict. The definition of war crimes of sexual violence in the Bosnia and Herzegovina Criminal Code (articles 172 and 173) is inconsistent with international standards and the jurisprudence of international courts, as the use or threat of force are considered the only means available to establish that sexual acts were not consensual.

77. More than 16 years since the end of the conflict, a national reparation strategy, which would entail victims of rape and other forms of sexual violence receiving restitution, rehabilitation, satisfaction, restoration of dignity and reputation, guarantees of non-repetition and prompt, fair and adequate compensation, remains absent. Rape survivors are often only eligible for a disability pension, which is a form of social welfare rather than reparation. Only the Federation of Bosnia and Herzegovina recognizes rape victims as war victims; while the Republika Srpska still only recognizes as victims those who are able to prove 60 per cent physical disability and the inability to work. This inconsistency not only results in victims of rape who were receiving social assistance owing to their status as victims of war to lose their rights if they move from one entity to the other, but also discourages their return to their pre-conflict homes.

78. A comprehensive strategy to advance the rights of women survivors of conflict-related sexual violence is being developed by the Ministry of Human Rights and Refugees of Bosnia and Herzegovina. The Strategy will deal primarily with the issues of women. However, options will be explored to integrate the men to the extent possible.

B. Sexual violence in the context of elections, political strife and civil unrest

79. Situations of civil and political unrest or instability, including pre- and post-electoral violence, where reports suggest that sexual violence was used to serve political ends and to target opponents, are relevant for the purpose of reporting under resolution 1960 (2010). Sexual violence employed as part of the repertoire of political repression needs to be monitored as a security threat, as a context in which sexual violence amounting to a crime against humanity may occur, and as a potential conflict situation.

Egypt

80. As part of the wave of uprisings that swept across the region, the popular uprising that took place between 25 January and 11 February 2011 in Egypt was mainly a campaign of non-violent civil protest, which featured a series of demonstrations, marches, acts of civil disobedience and labour strikes. Millions of protesters, men and women from a variety of socio-economic and religious backgrounds, demanded the overthrow of the regime of President Hosni Mubarak. Although predominantly peaceful in nature, the events were not without violent clashes. During the period between 25 January and 11 February 2011, when the President stepped down, women and men were subject to police torture, beatings, verbal and physical abuse and arrests, sexual violence and abuse by segments of the police, security forces and alleged agents of the regime and individuals paid to intimidate protestors and the media.

81. On 9 March 2011, the Egyptian military arrested 18 women during a peaceful protest in Tahrir Square. Seventeen of them were allegedly transferred to a military prison in Heikstep, where they were subjected to virginity tests and were threatened that "those not found to be virgins" would be charged with prostitution. All 17 women were reportedly brought before a military court on 11 March and released on 13 March. It was reported that the Supreme Council of Armed Forces subsequently acknowledged carrying out the practice of virginity tests on female protestors.

82. Following the increased reporting of sexual violence and abuse cases during and soon after the revolution, the Supreme Council of Armed Forces issued a decree (11/2011) on 1 April 2011 to replace certain provisions in the Egyptian penal code (58/1937) with amendments that toughen the penalty for crimes of sexual harassment, abduction and rape. The recent decision by the Administrative Court of the State Council ordering a halt to virginity tests on female detainees in military prisons is significant. In this connection, the Supreme Council has indicated that one soldier will be court-martialled on charges of public indecency and breach of military procedures.

Guinea and Kenya

83. Following the post-election violence in Kenya in 2007 and Guinea in 2009, both national and international commission investigations into the character and scope of human rights violations were carried out. The outcome of these investigations established several trends. First, a clear nexus existed between elections and commission of the violence in order to achieve political objectives. Second, widespread sexual violence was committed against women, men and children, including gang rape and sexual mutilations, which appeared to have been targeted to punish the victims for their perceived political affiliation. Third, many victims died of their injuries related to cruel sexual attacks.

84. In Guinea, two years after the violence, not a single perpetrator has been convicted. The work of the independent panel of judges, established in 2010, has reportedly led to three arrests. Of more concern is that Lieutenant Colonels Claude Pivi and Moussa Tiegboro Camara, both implicated in the September 2009 events, were appointed by President Alpha Conde as Minister of Presidential Security and director of the national agency against drugs, organized crime and terrorism, respectively. Further, soldiers and officers known to have taken part in the violence have not been put on administrative leave, pending investigation by the military hierarchy. During the visit of my Special Representative on Sexual Violence in Conflict to Guinea, the Government and the United Nations issued a joint communiqué on 22 November in which the Government committed itself to implementing the recommendations of the International Commission of Inquiry concerning the 28 September 2009 incidents (see S/2009/693). The Government also committed itself to ending impunity for sexual violence incidents and welcomed the assistance of the United Nations Team of Experts on Rule of Law and Sexual Violence in Conflict to strengthen the capacity of the panel of judges appointed to prosecute the alleged crimes.

85. In Kenya, a total of 1,500 cases were documented, although the exact number was estimated to have been higher given that many cases went unreported and many rape victims were subsequently killed. The alleged perpetrators included Kenya's security forces, including members of the General Service Unit, members of the armed forces and police and members of the security forces. In Guinea, 109 women, including children, were victims of sexual violence by the presidential guard (known as the "red berets"), the special services responsible for combating drug trafficking and organized crime, the national police, army and militias.

86. More than three years have passed since these crimes were committed in Kenya. Important legislative and administrative reforms are under way, with the first set of laws going through the parliamentary procedure in late August 2011,[6] following the adoption of the new Constitution in August 2010. The confirmation of charges hearings in the case at the International Criminal Court, *The Prosecutor v. Francis Kirimi Muthaura, Uhuru Muigai Kenyatta and Mohammed Hussein Ali*, ended on 5 October 2011. However, credible national trials will be necessary to complement the international prosecutions and to widen accountability for the post-election violence. Generally, Kenya remains peaceful but the political environment is expected to continue to be charged as the country heads for the next general

[6] Including, inter alia, the Kenya National Human Rights Commission Act, the Commission on the Administration of Justice Act, the National Gender and Equality Commission Act, the Political Parties Act and the Election Act.

elections in 2012. Accordingly, there is continued monitoring and peacebuilding initiatives at the former hot spots of politically motivated inter-ethnic violence, in view of the potential for repeated violence and population displacement.

Syrian Arab Republic

87. In the light of the violent response by the Syrian authorities of the widespread anti-Government protests and the grave deterioration of the human rights situation in the country since mid-March 2011, a fact-finding mission mandated by the Human Rights Council was dispatched by the High Commissioner for Human Rights to investigate all alleged violations of international human rights law. It was followed by the dispatch of an independent international commission of inquiry, also mandated by the Human Rights Council, which issued its report (A/HRC/S-17/2/Add.1) on 23 November. While neither the fact-finding mission nor the commission of inquiry were allowed into the Syrian Arab Republic, they interviewed respectively 180 and 223 victims and witnesses, including civilians and defectors from the military and the security forces, and received a number of reports of alleged human rights violations including sexual assault, rape and sexual torture. The commission of inquiry reported the use of sexual torture on male detainees by Syrian military and security forces in detention facilities of the Air Force Intelligence in Damascus, the Military Intelligence in Jisr Al Shughour, the Military Intelligence and the Political Security in Idlib and Al Ladhiqiyah, and the intelligence detention facilities in Tartus. Several of the detainees reported repeated threats of rape against them and their families. Testimonies were received from several men who stated they had been anally raped with batons and that they had witnessed the rape of boys between the ages of 11 and 15. Defectors from the military and the security forces indicated to the commission of inquiry that they had been present in places of detention where women were sexually assaulted; the commission, however, received limited evidence to that effect.

88. According to the Government of the Syrian Arab Republic, a number of human rights violations, including sexual violence against women and girls, were committed by members of armed groups. In one incident in Homs, in November, members of an armed group reportedly ambushed a bus with 13 girls on board. The girls were reportedly raped and three were subsequently killed.

C. Sexual violence in other situations of concern

89. My Special Representative is also following up on reports by the United Nations about acts of sexual violence against citizens of the Democratic Republic of the Congo (and other countries) committed in the context of expulsions to the Democratic Republic of the Congo of suspected illegal immigrants[7] present in Angola, that constitute a protection concern. My Special Representative visited Kamako on the Congolese side of the border, and followed up with a visit to Lunda Norte on the Angola side, in order to look into allegations of sexual violence. She is adopting a pragmatic and cooperative approach aimed at addressing these protection concerns with both the Congolese and Angolan authorities.

[7] It is to be noted, however, that among the expelled and victims of human right violations are Congolese citizens who are legal migrants with the necessary legal documentation to live and work in Angola.

90. Notwithstanding the sovereign right of Angola to expel illegal immigrants, the United Nations has been particularly concerned about reports of alleged human rights abuses, including sexual violence particularly against women and girls, during expulsions committed by members of the Angolan security forces. The expulsions have been particularly marked in the sparsely populated, poorly controlled border areas, especially from Lunda Norte, a major diamond-producing province in Angola, to Kasai Occidental in the Democratic Republic of the Congo. Collected information indicates that from January to mid-October 2011, approximately 3,768 expelled persons (of 71,879 total expulsions), including 998 children, experienced various forms of sexual violence, including rape, at the hands of Angolan security forces. Angolan authorities maintain that they are not aware of this information.

91. Following the mission to Angola of my Special Representative in March 2011, a joint Angola-United Nations communiqué was issued in which the Government of Angola committed itself to preventing sexual violence, investigating alleged violations on the basis of credible information and punishing perpetrators. The Government also agreed to facilitate assessment missions of the United Nations and the International Organization for Migration to areas of concern, to give United Nations personnel in such missions access to detention centres, and to allow them to observe the organized expulsions and repatriations carried out by Angolan authorities. In September 2011, the Minister of the Interior made a public statement about respect for the dignity of people in vulnerable situations such as those who are detained prior to expulsion. The Government of Angola has welcomed efforts by the United Nations to strengthen the capacity of the United Nations country team and Angolan authorities to monitor the implementation of the joint communiqué. In addition, in May 2011, the Government of Angola enacted two laws establishing legal guarantees for the protection of foreigners and has embarked on a reform of the migration and foreigners' service with a view to improving the quality of its services.

V. Other concerns

92. I have expressed concern on allegations of sexual violence in the context of detention in previous reports. The Office of the Special Representative on Sexual Violence in Conflict has received reports of sexual violence perpetrated by members of police, military or prison personnel against women, men and children in the context of detention and border crossings in several conflict situations. The information indicates that detainees were subjected to threats of rape and other forms of sexual violence against them or their families, sexual assaults, strip searches, forced nudity and, in some cases, sexual abuse in the context of interrogation. It has been alleged that this was done in order to elicit confessions, obtain information or secure the collaboration of detainees. Such acts are prohibited under international humanitarian and human rights law. Detaining authorities have a duty to investigate all allegations of sexual violence and to ensure that all persons under their control are treated humanely. The Office of the Special Representative will continue to monitor and engage with the relevant national authorities to address such allegations as they arise.

VI. Missions and political engagements of the Special Representative of the Secretary-General

93. Visits by my Special Representative to areas of concern remain a central element of the advocacy strategy to bring high-level visibility to the plight of men, women and children victims of conflict-related sexual violence. My Special Representative undertook five field visits during the reporting period: Democratic Republic of the Congo (February 2011), Angola (March 2011) and Guinea, Sierra Leone and Côte d'Ivoire (November 2011). During these visits, the respective Governments have made a number of commitments, particularly with regard to addressing impunity for sexual violence crimes and training of security personnel. My Special Representative has also engaged with regional bodies such as the African Union and the European Union to advocate for the appointment of high-level focal points who will facilitate the integration of conflict-related sexual violence considerations as a consistent priority in the policies and operations of the respective bodies.

94. My Special Representative has also made it a priority to engage and collaborate closely with women's and non-governmental and civil society organizations, as they play an indispensable role in shaping response to conflict-related sexual violence. These organizations have galvanized awareness and commitment, developed important activities on the ground, helped to strengthen international standards, published important reports that have increased knowledge on this issue, shared essential information, formed effective coalitions on various initiatives and pressured parties in conflict to protect men, women and children from the scourge of sexual violence.

VII. Engagements by the Team of Experts on the Rule of Law and Sexual Violence in Conflict

95. The Team of Experts, established under paragraph 8 of Security Council resolution 1888 (2009), became fully operational in mid-May 2011 with its core team composed of a team leader located in the Office of the Special Representative and members from the Department of Peacekeeping Operations, OHCHR and the United Nations Development Programme (UNDP). The Team will be supplemented in the future by a roster of experts which is currently under development.

96. In undertaking its mandate, the Team continues to globally monitor situations of particular concern with respect to sexual violence in armed conflict, as identified in coordination with the Office of the Special Representative and United Nations Action against Sexual Violence in Conflict, and has begun developing country dossiers. The Team has so far carried out visits to the Democratic Republic of the Congo (February 2011), Liberia (April-May 2011), South Sudan (June 2011) and Guinea, Sierra Leone and Côte d'Ivoire (November 2011).

97. In the Democratic Republic of the Congo, the Team undertook an assessment of measures needed to complement the work of the United Nations on the ground and to strengthen the Government's efforts to fight impunity for sexual violence. The assessment highlighted the need for safe and secure environments within FARDC and the Congolese National Police for reporting on sexual violence; for strengthening the investigative capacity of the military justice system, including in

evidence collection, storage and protection; and for effective prosecution and the protection of witnesses, victims and survivors. Based on the assessment, the Team, in cooperation with the MONUSCO Rule of Law Section, the United Nations Joint Human Rights Office in the Democratic Republic of the Congo and UNDP, developed two initiatives. The Team will provide expert advisers to assist the work of the Congolese military justice system through the prosecution support cells established by MONUSCO. They will focus on identifying and responding to the existing case backlog; collecting, processing and managing information on sexual violence; and investigating and prosecuting the most serious sexual violence crimes.

98. In a second initiative, the Team is working with relevant United Nations and national entities on the ground to assist the Government in the deployment of 25 newly appointed female civilian magistrates trained by the United Nations on sexual violence to prosecution offices of major jurisdiction in the eastern part of the country. With the support of the Team, these magistrates will constitute sexual violence cells and lead the investigation and prosecution of sexual violence cases within the civilian justice system.

99. Building on these two initiatives, the Team is currently mapping 30 major incidents of sexual violence which occurred under the current legislature (2006-2011), to track progress of investigations and prosecutions by the national justice system and focus the Team's future assistance to the military and civilian justice systems around these incidents.

100. In Liberia, the Team undertook an assessment of key gaps in consultation with United Nations entities, civil society organizations and the Government of Liberia. The Team's proposed areas of support have been fully endorsed by the Government and will be implemented in early 2012. These include the development of sentencing guidelines for sexual violence crimes, reviewing the rape law (see para. 69 above) and ensuring its complementarity with the Children's Act, and strengthening the capacity of the justice chain by embedding technical expertise in the Liberian National Police, circuit courts and the Sexual and Gender-Based Violence Crimes Unit.

101. The visit to South Sudan enabled the Team to provide the Government with input on the draft Transitional Constitution to ensure that it established a strong basis for prevention and response to sexual violence and built on the Bill of Rights, including on issues such as equality and non-discrimination, accountability and women's participation. The Team also identified initial areas of focus and is currently proposing to undertake an assessment of the justice system that will guide future planning for assistance.

VIII. Key United Nations initiatives to address conflict-related sexual violence

A. Training on conflict-related sexual violence

102. On the basis of the United Nations publication, "Addressing conflict-related sexual violence: An analytical inventory of peacekeeping practice", launched in June 2010, UN-Women and the Department of Peacekeeping Operations have collaborated under the auspices of United Nations Action to develop scenario-based,

predeployment training modules on preventing and addressing conflict-related sexual violence. The modules are being piloted in a number of troop-contributing countries and regional peacekeeper training centres. They require participants to evaluate hypothetical situations in which the local population is at risk of or subjected to sexual violence, and to formulate appropriate courses of action in the context of a particular mission's mandate and rules of engagement. Some of the modules will be integrated into the training modules on protection of civilians in United Nations peacekeeping operations which have been developed by the Department of Peacekeeping Operations and the Department of Field Support. The Office of the Special Representative has also developed training modules on protection of civilians and sexual violence in conjunction with other United Nations and African Union partners, under the auspices of the Kofi Annan International Peacekeeping Training Centre.

103. Additionally, a United Nations police standardized training curriculum on investigating and preventing sexual and gender-based violence in conflict environments has been developed in 2011. The curriculum includes 11 modules on technical investigation skills and crimes related to sexual and gender-based violence, including several case scenarios.

B. Development of early warning indicators

104. Conflict-related sexual violence has long been impervious to detection and absent from mainstream conflict analysis. Accordingly, United Nations Action, the Office of the Special Representative on Sexual Violence in Conflict, UN-Women and the broader United Nations system have developed a framework of early warning signs specific to conflict-related sexual violence. The aim is to integrate this analysis into existing and emerging early warning and prevention systems to facilitate a rapid response.

C. Addressing conflict-related sexual violence in ceasefire and peace agreements

105. To date, few ceasefire or peace agreements include provisions for conflict-related sexual violence. If left unaddressed, sexual violence can be used as a means to continue acts of war outside the purview of agreements and monitoring teams, which can trigger cycles of vengeance and vigilantism and risk undermining confidence in agreements and the mediation process itself. Conversely, its inclusion can increase the durability of peace by mitigating security fears and improving transparency, accountability and confidence among parties.

106. In situations where conflict-related sexual violence may have occurred, United Nations mediators and their teams must actively seek to assess reports of such violence and to engage parties to discuss its immediate termination. It is imperative that any ceasefire and peace agreement brokered by the United Nations include sexual violence as a prohibited act in the definition of ceasefire and in provisions for monitoring, including within relevant annexes.

107. Sexual violence, when used in conflict as a method or tactic of warfare, must be recognized in provisions for security arrangements, as applicable. United Nations

mediators must also ensure that amnesties for crimes under international law are prohibited and that arrangements for transitional justice are included, particularly prosecution, reparations and truth-seeking bodies.

108. In order to more comprehensively address this issue in ceasefire and peace agreements, the Department of Political Affairs, in close collaboration with the United Nations system, eminent mediators and mediation experts, has produced the United Nations Guidance for Mediators on Addressing Conflict-Related Sexual Violence in Ceasefire and Peace Agreements. The normative principles and practical strategies it contains will guide Special Representatives, envoys and mediators in ensuring that conflict-related sexual violence is addressed in preventive diplomacy efforts, mediation and peace processes.

D. Comprehensive strategies to combat sexual violence

109. Through the comprehensive strategy to combat sexual violence in the Democratic Republic of the Congo, launched in April 2009, the United Nations system has created a platform for operational coordination that is delivering dedicated resources and services to combat conflict-related sexual violence in the eastern Democratic Republic of the Congo. The comprehensive strategy is fully embedded in the Government's national strategy on gender-based violence, launched in November 2009. Funding to implement the strategy has been provided primarily through international support for the Government's stabilization and reconstruction plan for areas emerging from armed conflict in the east. The intent in 2012 is to expand support further into Orientale Province (Haut and Bas Uélé), Maniema and northern Katanga, as access, resources and capacities allow. Total funds committed for the period 2010-2012 currently stand at $33 million, with $9 million coming through the Multi-Donor Trust Fund of the Stabilization and Recovery Funding Facility and $24 million from the United States Agency for International Development in the form of bilateral commitments to the strategy.

110. In accordance with Security Council resolution 1935 (2010), in the Sudan, UNAMID undertook a mission-wide discussion on the scope and goals of a comprehensive strategy for prevention of and response to sexual and gender-based violence in Darfur. Recommendations and findings from this process will inform the finalization of the mission's comprehensive strategy, in accordance with its mandate and without prejudice to the sovereign responsibility of the Government of the Sudan for the protection of its civilians.

111. In Côte d'Ivoire, the United Nations Operation in Côte d'Ivoire and the United Nations country team have requested strategic support through United Nations Action to assist the Ministry of Family, Women and Children and the United Nations system in reviving the national strategy on sexual and gender-based violence.

E. Programmatic and funding challenges and opportunities

112. Efforts to conceive and operationalize effective approaches to addressing conflict-related sexual violence underscore the need for a multisectoral approach that addresses the widespread impunity feeding this violence, promotes security sector reform and enhances prevention and protection mechanisms, while also

strengthening services for survivors. Along with the challenges of working in insecure contexts with fragile Governments, huge funding gaps for these programmes and weak inter-agency coordination structures are among the primary constraints noted by United Nations missions. It is also critical to develop programming modalities that bridge the divide between humanitarian and peacebuilding efforts and development programming to ensure continuity of funding.

113. Extensive and ongoing capacity development is required within the health, social welfare, justice and security sectors to respond effectively to conflict-related sexual violence. Significant resources must be invested at field and global levels to bolster pre- and in-service training, the development of context-specific resource packs and relevant in-country advocacy and briefing materials. Rosters of readily deployable experts must also be created to augment the exceedingly limited pool of available expertise. Peacekeepers and other critical security actors must be proactively engaged to operationalize protection strategies and introduce early warning systems.

114. Opportunities for encouraging longer-term planning, capacity-building and coordinated programming include pooling funds through multi-donor trust fund mechanisms, such as the funding modality of the International Security and Stabilization Support Strategy, which supports the comprehensive strategy to combat sexual violence in the Democratic Republic of the Congo. The 2010 report on women's participation in peacebuilding (A/65/354-S/2010/466) also calls for the allocation of at least 15 per cent of United Nations-managed funds for post-conflict peacebuilding projects to advance gender equality, empower women and address women's specific needs in peacebuilding contexts, which includes the prevention of and response to sexual violence. And United Nations Action intends to undertake a review of capacity-building initiatives with a view to augmenting training and supporting the creation of rosters for women's protection advisers.

IX. Recommendations

115. I call upon all parties to conflict to make specific and time-bound commitments to cease acts of sexual violence and bring perpetrators to justice. Such commitments should include clear orders through chains of command and in codes of conduct to prohibit sexual violence; timely investigation of alleged abuses in order to hold perpetrators accountable; and designation of a high-level interlocutor in the armed forces or armed group responsible for implementing these commitments.

116. I urge the Security Council:

(a) To increase pressure on perpetrators of conflict-related sexual violence, including the individuals and parties named in the present report, through the adoption of targeted and graduated measures by relevant sanctions committees, and to consider an appropriate mechanism or procedure to, inter alia, monitor the implementation of commitments by parties;

(b) To employ all means at its disposal to address conflict-related sexual violence, including referrals to the International Criminal Court, mandating international commissions of inquiry, explicitly condemning violations in

resolutions and presidential and public statements, and including this issue as a focus of its periodic field visits;

(c) To systematically reflect conflict-related sexual violence in authorizations and renewals of the mandates of peacekeeping and special political missions, including consistent reference to the implementation of monitoring, analysis and reporting arrangements and the establishment of dialogue with parties to conflict for commitments to prevent sexual violence and hold perpetrators accountable;

(d) To continue to call for and remain seized of the deployment of women's protection advisers to United Nations peacekeeping and special political missions to coordinate, inter alia, the implementation of the resolutions on conflict-related sexual violence. Where possible, women's protection advisers are being identified from within existing resources in United Nations peacekeeping and special political missions. Where such resources are limited, Member States are requested to ensure that funds are made available to establish these posts.

117. I encourage Member States, donors and regional organizations:

(a) To ensure medical, psychosocial, legal and other services for survivors, as well as reparations and redress. Adequate and timely resources are required for response programmes by national authorities, United Nations agencies and non-governmental organizations and civil society groups as part of comprehensive strategies to combat conflict-related sexual violence, noting that improved information on sexual violence is linked to provision of services for survivors;

(b) To draw upon the expertise of the United Nations Team of Experts established pursuant to Security Council resolution 1888 (2009) to strengthen the rule of law and the capacity of civilian and military justice systems to address sexual violence, as part of broader efforts to strengthen institutional safeguards against impunity. I urge donors to ensure sustainable funding for this valuable tool;

(c) To address conflict-related sexual violence in the context of security sector reform initiatives and arrangements, including training and capacity-building of national security actors; measures to ensure that those who have perpetrated, commanded or condoned sexual violence are excluded from all branches of government including armed forces, police, intelligence services and national guard; and civilian oversight and control mechanisms;

(d) To ensure that conflict-related sexual violence is addressed by United Nations and other mediators and envoys in preventive diplomacy efforts and mediation and peace processes, drawing on the United Nations Guidance for Mediators on Addressing Conflict-Related Sexual Violence in Ceasefire and Peace Agreements. Mediators should dialogue with parties to conflict on this issue and ensure that sexual violence is included in the definition of acts prohibited by ceasefires and in the framing of peace agreements, particularly in provisions for security arrangements, transitional justice and reparations;

(e) To ensure that regional and subregional organizations address conflict-related sexual violence in their advocacy, policies, programmes, mediation activities, peacekeeping and peacebuilding engagements. This may include the appointment of high-level focal points or envoys within their secretariats; development of operational guidelines; training for military and police personnel;

implementation of monitoring and reporting systems; and establishment of peer review mechanisms to assess national progress in addressing sexual violence. Women and gender experts should be included in all such initiatives;

(f) To adopt national and regional early warning systems in conflict-affected areas that are attuned to the risks and warning signs of impending, ongoing or escalating sexual violence, drawing as appropriate upon the United Nations Matrix of Early-Warning Indicators of Conflict-Related Sexual Violence;

(g) To integrate scenario-based training on conflict-related sexual violence into the predeployment training curriculum of troop- and police-contributing countries, drawing upon United Nations resources in this regard.

X. Annexed list

118. The annex to the present report, based on currently available information, contains a list of parties, *elements* of which are credibly suspected of committing or being responsible for patterns of rape and other forms of sexual violence in situations of armed conflict on the Security Council agenda. Given current reporting, the annex does not at this stage purport to be a comprehensive list of violators, but includes those on which credible information is available. As progress is made in putting the monitoring, analysis and reporting arrangements in place, it is anticipated that more detailed information on perpetrators of conflict-related sexual violence will be collected.

119. It should be noted that the annex does not list countries as such. The purpose of the list is to identify particular parties to conflict that are credibly suspected of committing or being responsible for patterns of rape and other forms of sexual violence. In that regard, the names of countries are mentioned only in order to indicate the locations or situations where offending parties are committing the violations in question.

Annex

List of parties that are credibly suspected of committing or being responsible for patterns of rape and other forms of sexual violence in situations of armed conflict on the Security Council agenda

Note: an asterisk (*) indicates that the party is listed in annex I to the report of the Secretary-General on children and armed conflict (A/65/820-S/2011/250) as committing rape and other forms of sexual violence against children.

Parties in the Central African Republic

Lord's Resistance Army (LRA)*

Parties in Côte d'Ivoire

1. Armed militia groups in Côte d'Ivoire, including:
   (a) Alliance patriotique de l'ethnie Wé (APWE)
   (b) Front pour la libération du Grand Ouest (FLGO)
   (c) Mouvement ivoirien de libération de l'Ouest de la Côte d'Ivoire (MILOCI)
   (d) Union patriotique de résistance du Grand Ouest (UPRGO)
2. Former Forces armées des forces nouvelles (FAFN)
3. Former Forces de défense et de sécurité (FDS)
4. Forces républicaines de Côte d'Ivoire (FRCI)

Parties in the Democratic Republic of the Congo

1. Alliance des patriotes pour un Congo libre et souverain (APCLS)
2. Armed Forces of the Democratic Republic of the Congo (FARDC), including integrated elements from various armed groups, including Congrès national pour la défense du peuple (CNDP), formerly led by Laurent Nkunda as well as elements currently led by Bosco Ntaganda*
3. Forces démocratiques de libération du Rwanda (FDLR)*
4. Forces de résistance patriotique en Ituri/Front populaire pour la Justice au Congo (FRPI/FPJC)*
5. Lord's Resistance Army (LRA)*
6. Mai-Mai groups in North and South Kivu, including:
   (a) Mai-Mai Cheka
   (b) Patriotes résistants congolais (PARECO)*

Parties in South Sudan

Lord's Resistance Army (LRA)*

United Nations S/2012/34

Security Council

Distr.: General
13 January 2012

Original: English

Letter dated 12 January 2012 from the Secretary-General addressed to the President of the Security Council

I have the honour to refer to paragraph 34 of the report of the Secretary-General to the Security Council dated 20 July 2000 (S/2000/718), expressing the intention to appoint a senior official to be based in Beirut to help coordinate United Nations activities in regard to Lebanon.

Following the usual consultations, I wish to inform the Council of my intention to appoint Derek Plumbly (United Kingdom of Great Britain and Northern Ireland) as the United Nations Special Coordinator for Lebanon, replacing Mr. Michael Williams.

Mr. Plumbly is a highly experienced diplomat who has held a number of senior posts in his foreign service, including posts dealing with the Middle East. He is also fluent in Arabic.

In his capacity as Special Coordinator, Mr. Plumbly will be my representative in Lebanon responsible for coordinating the work of the United Nations in the country. He will represent me on all political aspects of the United Nations work in Lebanon. Among other functions, the Special Coordinator will ensure that the activities of the country team are well coordinated with the Government of Lebanon, donors and international financial institutions in line with the objectives of the United Nations in Lebanon.

I should be grateful if you would bring the present letter to the attention of the members of the Security Council.

(*Signed*) **BAN** Ki-moon

12-20702 (E) 130112

Please recycle

United Nations S/2012/35

Security Council

Distr.: General
13 January 2012

Original: English

Letter dated 13 January 2012 from the President of the Security Council addressed to the Secretary-General

I have the honour to inform you that your letter dated 12 January 2012 (S/2012/34) concerning your intention to appoint Derek Plumbly (United Kingdom of Great Britain and Northern Ireland) as the United Nations Special Coordinator for Lebanon has been brought to the attention of the members of the Security Council. They take note of the intention expressed in your letter.

(*Signed*) Baso **Sangqu**
President of the Security Council

12-20708 (E) 160112

Please recycle

United Nations S/2012/36

Security Council

Distr.: General
16 January 2012

Original: English

Identical letters dated 16 January 2012 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the Secretary-General and the President of the Security Council

Upon instructions from my Government and following my letter dated 3 January 2012 regarding the measures which have been taken by Syrian authorities to release people who were involved in recent events in Syria and didn't get involved in the shedding of Syrian blood (S/2012/1), I have the honour to bring to your kind attention that H.E. President Bashar Al-Assad, President of the Syrian Arab Republic, has issued Legislative Decree No. 10 for the year 2012, whereby a general amnesty is granted for crimes committed in the context of the events taking place in Syria since 15 March 2011 until the date of issuing the decree.

The decree aims at granting an opportunity for those who committed crimes related to the events which took place in Syria since 15 March 2011. The attorney generals and the Public Prosecution were asked to implement the decree immediately.

It would be highly appreciated if the present letter could be circulated as a document of the Security Council on an urgent basis.

(*Signed*) Bashar **Ja'afari**
Ambassador
Permanent Representative

12-20757 (E) 170112

Please recycle

United Nations S/2012/37

Security Council

Distr.: General
16 January 2012

Original: English

Letter dated 16 January 2012 from the Permanent Representative of the United States of America to the United Nations addressed to the President of the Security Council

I write to express the United States Government's grave concern about the worsening humanitarian crisis in the Sudanese states of Southern Kordofan and Blue Nile. The United Nations estimates that 500,000 people are severely affected by the conflict in the two areas, including some who have been forced to flee their homes and seek safety in South Sudan and Ethiopia and some who have become displaced within their own country. Ongoing fighting has severely constrained the movement of civilians to plant and harvest.

At the same time, United Nations humanitarian agencies and international non-governmental organizations have largely been prevented from accessing Southern Kordofan and Blue Nile States since the conflict erupted last year. It is clear that the Government of the Sudan has instituted a deliberate policy to prevent humanitarian agencies from reaching vulnerable civilians impacted by the conflict. The conflict's disruption of trade and livelihoods, large-scale displacement of people and severe restrictions on the operations of aid agencies have pushed the people of Southern Kordofan and Blue Nile to the brink of a major humanitarian crisis.

Expert food security analysts are now forecasting that, absent substantial new aid flows into these two Sudanese states, food security there will deteriorate by March 2012 to "phase 4/emergency" status, as shown in the attached map entitled "Two areas: projected food insecurity, March 2012" (see annex). Our analysis is publicly available and based on regular reports from the Government of the Sudan, international humanitarian organizations and private commercial traders. Under these circumstances, households will be unable to meet their most basic food needs, resulting in very high acute malnutrition, excess mortality and extreme loss of livelihood assets. This internationally recognized phase 4 classification is just one step away from the most severe form of crisis, namely, a catastrophe or famine. The only other regions in the world currently expected to reach phase 4/emergency levels are in Somalia and Ethiopia.

It is the United States Government's firm belief that, if the Government of the Sudan does not allow immediate and meaningful humanitarian access to the conflict zones in Southern Kordofan and Blue Nile so that life-saving humanitarian assistance can be provided to civilians in need, we will likely see famine conditions in parts of the Sudan. A humanitarian disaster of this magnitude is unacceptable in

Please recycle

any circumstance. It is particularly shameful when the path to averting the large-scale loss of innocent lives is so clear. This crisis could be addressed by the Government of the Sudan if it were to allow the United Nations and other relief organizations immediate and unimpeded access to vulnerable civilians across Southern Kordofan and Blue Nile.

I would be grateful if you would circulate the present letter and its annex as a document of the Security Council.

(*Signed*) Susan E. **Rice**

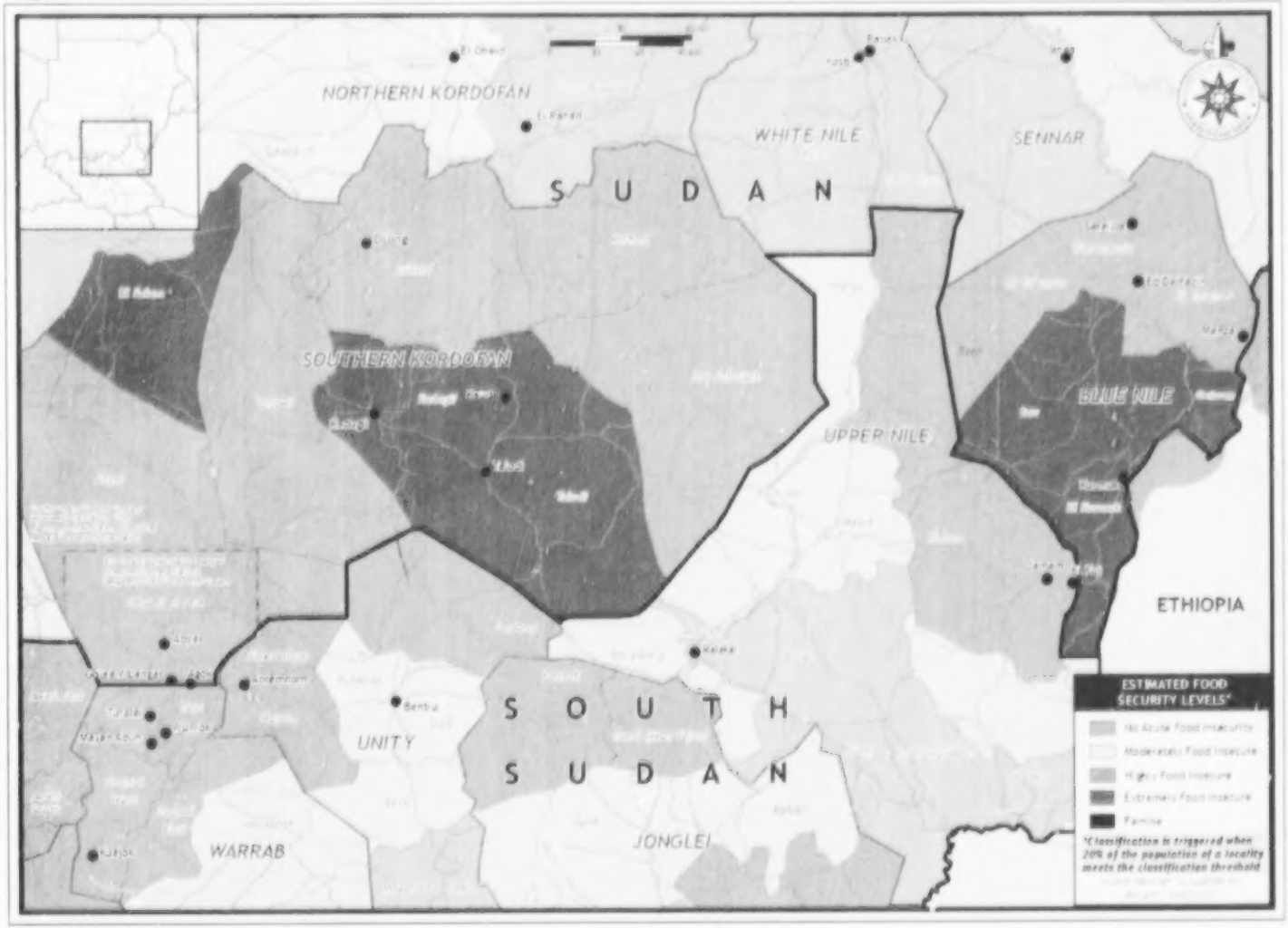
Annex to the letter dated 16 January 2012 from the Permanent Representative of the United States of America to the United Nations addressed to the President of the Security Council*

Source: Famine Early Warning System Network.

* The boundaries and names shown and the designations used on these maps do not imply official endorsement or acceptance by the United Nations.

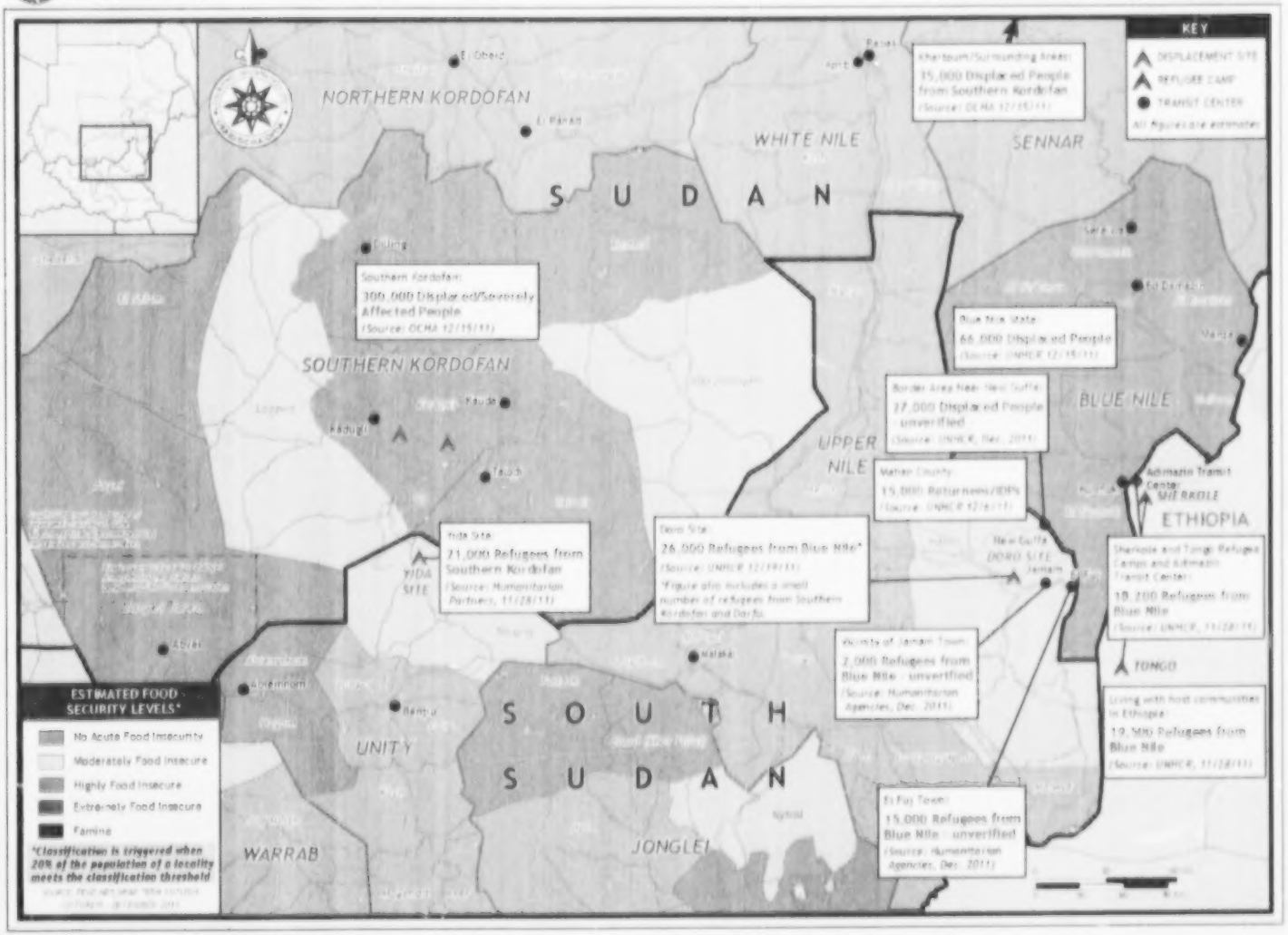
USAID
FROM THE AMERICAN PEOPLE

TWO AREAS: PROJECTED FOOD INSECURITY, MARCH 2012



USAID
FROM THE AMERICAN PEOPLE

TWO AREAS: FOOD SECURITY AND DISPLACEMENT



S-2012-37

United Nations S/2012/38

Security Council

Distr.: General
17 January 2012

Original: English

Note by the Secretary-General concerning the date of an election to fill a vacancy in the International Court of Justice

1. By a letter dated 20 November 2011, Judge Awn Shawkat Al-Khasawneh informed the President of the Court, pursuant to Article 13, paragraph 4 of the Statute of the Court, of his resignation as a member of the Court, effective 31 December 2011. A certified copy of Judge Al-Khasawneh's letter was forwarded to the Secretary-General by the President of the Court under the cover of a letter dated 24 November 2011. A vacancy in the Court occurred on 31 December 2011.

2. Judge Al-Khasawneh was elected a member of the Court from 6 February 2000 and was re-elected from 12 November 2008 for a term of office that will end on 5 February 2018.

3. Article 14 of the Statute of the Court provides that:

> "Vacancies shall be filled by the same method as that laid down for the first election subject to the following provision: the Secretary-General shall, within one month of the occurrence of the vacancy, proceed to issue the invitations provided for in Article 5, and the date of the election shall be fixed by the Security Council."

4. Article 5, paragraph 1, of the Statute provides:

> "At least three months before the date of the election, the Secretary-General of the United Nations shall address a written request to the members of the Permanent Court of Arbitration belonging to the States which are parties to the present Statute, and to the members of the national groups appointed under Article 4, paragraph 2, inviting them to undertake, within a given time, by national groups, the nomination of persons in a position to accept the duties of a member of the Court."

5. In view of the fact that the date of the election is to be fixed by the Security Council, it is suggested that the Council might wish to consider this question at an early meeting and take into consideration that the Secretary-General's communication must be dispatched within one month of the occurrence of the vacancy and at least three months before the date of the election. The Secretary-General expects to invite nominations for the vacancy by communications immediately after the Security Council has set the date of the election.

12-20826 (E) 180112

Please recycle

United Nations A/66/662–S/2012/39

General Assembly
Security Council

Distr.: General
18 January 2012

Original: English

General Assembly
Sixty-sixth session
Agenda item 35
Protracted conflicts in the GUAM area and their implications for international peace, security and development

Security Council
Sixty-seventh year

Identical letters dated 17 January 2012 from the Permanent Representative of Georgia to the United Nations addressed to the Secretary-General and the President of the Security Council

I have the honour to transmit herewith a statement of the Ministry of Foreign Affairs of Georgia dated 16 January 2012, in reaction to planned military exercises by Russia (see annex).

I should be grateful if you would have the present letter and its annex issued as a document of the sixty-sixth session of the General Assembly, under agenda item 35.

(*Signed*) Alexander **Lomaia**
Ambassador
Permanent Representative

12-20915 (E) 190112

Please recycle

Annex to the identical letters dated 17 January 2012 from the Permanent Representative of Georgia to the United Nations addressed to the Secretary-General and the President of the Security Council

Statement of the Georgian Foreign Ministry in reaction to planned military exercises by Russia

During a meeting with foreign military attachés held in December 2011, the Chief of the Russian Federation's General Staff, General Nikolai Makarov, announced Russia's plans to hold a series of strategic military exercises ("Kavkaz-2012") in September 2012. According to sources within the Russian Ministry of Defence, these exercises will — unlike previous ones — "cover not only the territory of Russia's southern military district, but will also extend to Armenia, Abkhazia and South Ossetia".

Besides forces under the authority of Russia's Ministry of Defence, these exercises will also involve troops belonging to the country's Ministry of Internal Affairs, Federal Security Service, Ministry of Emergency Situations, Federal Protection Service and other law enforcement agencies. The planned exercises also call for the use of all manner of surveillance and communication equipment (including electronic and satellite-based equipment), unmanned aerial vehicles and high-precision weapons.

Russia is deliberately building up its military forces, strengthening its military infrastructure and deploying offensive weapons in Georgia's occupied territories. In doing so, the Russian Government is seeking to instigate a permanent state of tension in Georgia and in the Black Sea region as a whole. The international community should pay due attention to the fact that Russia's foreign policy has undergone no change: the Russian Government continues to adopt aggressive practices, including the demonstration of military force and provocations.

Russia represents a source of destabilization and negative developments in the international arena.

United Nations S/2012/40

Security Council

Distr.: General
17 January 2012

Original: English

Letter dated 17 January 2012 from the Permanent Representative of the Sudan to the United Nations addressed to the President of the Security Council

I have the honour to inform you that as a result of the military actions carried out recently by the Sudan People's Liberation Army (SPLA) rebel factions in South Kordofan and in the Blue Nile States, the Sudanese Armed Forces responded to those military attacks consistent with its obligation enshrined in the national Constitution of the Sudan to secure peace and stability and preserve the territorial integrity in the Sudan.

I further have the honour to inform you that those rebels were repelled and a big number of them crossed the international border with the Republic of South Sudan and they were hosted and assisted by the Government of South Sudan. However, few pockets of those rebels are found in border areas inside the Sudan. The Government of the Republic of the Sudan has immediately provided the necessary relief assistance to the needy people in those areas recaptured from the rebels and the humanitarian situation in those areas is stable and normal.

I further have the honour to convey that the Government of the Sudan has been and still is cooperating closely with the United Nations bodies, the Office for the Coordination of Humanitarian Affairs, the United Nations Children's Fund, the World Food Programme and the Office of the United Nations High Commissioner for Refugees in channelling the relief material to the needy people as explained above. In this regard I would like to cite the recent visit of Valerie Amos, Under-Secretary-General for Humanitarian Affairs, to the Sudan, during which she met the Minister of Social Welfare, who informed her about the Government's efforts exerted to meet the needs of those who are affected by the military actions carried out by the rebels in those areas. The Minister has reiterated to Ms. Amos the will and readiness of the Government to continue cooperating with all United Nations agencies and credible national and international non-governmental organizations.

While conveying this information, I would like to reiterate in my capacity as Permanent Representative of the Republic of the Sudan to the United Nations that I am working closely with Ms. Amos to find suitable ways and means to enhance our cooperation in this regard. It is worth mentioning that I agreed with her today that we meet at a working lunch on Thursday, 19 January 2012 to further our mutual cooperation.

I have the honour also to refer to the fact that there are certain circles who propagate that there are 500,000 people affected by the conflict in the two areas.

Please recycle

Those numbers are incorrect and erroneous and I would like to challenge those circles to provide the exact whereabouts of those affected people. Furthermore, those who crossed the borders and went to South Sudan are not civilians but combatants, who play havoc in the two areas as I alluded to in the introduction of my message.

While sharing the above information, we urge the Council to exercise prudence and rely only on verified information from credible sources.

I would be grateful if this letter would be circulated as a document of the Security Council.

(*Signed*) Daffa-Alla Elhag Ali **Osman**
Permanent Representative